

# MASSACHUSETTS WORKERS' COMPENSATION ADVISORY COUNCIL

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## APPENDIX A

## ADVISORY COUNCIL MEMBERS – FY'05

<b>BUSINESS</b>		<b>LABOR</b>
<b>TOM JONES</b> Vice President of Employer Services, AIM 222 Berkeley Street, P.O. Box 763 Boston, MA 02117-0763 Tel: (617) 262-1180 FAX: (617) 536-6785  <b>JEANNE-MARIE BOYLAN</b> Boston Sand and Gravel Company 169 Portland Street Boston, MA 02114-1712 Tel: (617) 227-9000 FAX: (617) 523-7947  <b>ANTONIO FRIAS</b> S & F Concrete Contractors, Inc. 1266 Central Street, P.O. Box 427 Hudson, MA 01749 Tel: (978) 562-3495 FAX: (978) 562-9461  <b>EDMUND C. CORCORAN, JR.</b> Raytheon, Director of Integrated Disability Programs 47 Foundry Avenue Waltham, MA 02453 Tel: (781) 642-2612 FAX: (781) 642-2628  <b>JOHN D. BOYLE</b> Boyle, Morrisey & Campo, P.C. 695 Atlantic Avenue Boston, MA 02111 Tel: (617) 451-2000 FAX: (617) 451-5775		<b>PAUL BYRNE</b> MBTA Police Association P.O. Box 1618 N. Falmouth, MA 02556 Tel: (617) 201-3820 FAX: (617) 268-4401  <b>ROBERT BANKS</b> J.A.C. Iron Workers, Local 7 195 Old Colony Avenue South Boston, MA 02127 Tel: (617) 268-4200 FAX: (617) 268-0330  <b>MICKEY LONG</b> AFL-CIO 193 Old Colony Avenue, P.O. Box E-1 Boston, MA 02127 Tel: (617) 269-0229 FAX: (617) 269-0567  <b>JOHN A. PULGINI</b> Pulcini & Norton, LLP 10 Forbes Road West, Suite 240 Braintree, MA 02184 Tel: (781) 843-2200 FAX: (781) 843-4900  <p style="text-align: center;"><b>(VACANT IN FY'05)</b></p>
<b>EX-OFFICIO</b>		<b>EX-OFFICIO</b>
<b>JOHN ZIEMBA</b> Director, Department of Labor 600 Washington Street, 7th Floor Boston, MA 02111 Tel: (617) 727-4900 x356 FAX: (617) 727-7470		<b>RENEE M. FRY</b> Director, Department of Business & Technology One Ashburton Place, Suite 2101 Boston, MA 02108 Tel: (617) 727-8380 FAX: (617) 727-4426
<b>CLAIMANT'S BAR</b>	<b>INSURANCE</b>	<b>VOCATIONAL REHAB.</b>
<b>KENNETH J. PARADIS, JR.</b> Crowe, Paradis, & Albren, LLP 607 North Avenue, Suite 18 Wakefield, MA 01880 Tel: (781) 246-8975 FAX: (617) 246-9322	<b>J. BRUCE COCHRANE</b> Cochrane and Porter 981 Worcester St. Wellesley, MA 02482 Tel: (781) 431-9800 FAX: (781) 431-0222	<b>CAROL FALCONE</b> Falcone Associates 43 Witham Street, Suite 2 Gloucester, MA 01930 Tel: (978) 281-4275 FAX: (978) 281-4275
<b>STAFF</b>		
<p style="text-align: center;"><b>ANDREW S. BURTON, EXECUTIVE DIRECTOR</b>  <b>EVELYN N. FLANAGAN, PROGRAM COORDINATOR</b></p>		

## APPENDIX B

# Agenda of Advisory Council Meetings - FY'05

### **July 14, 2004**

DIA Update

Assessment Audit Update

- Karen Fabiszewski, Assistant General Counsel, Workers' Compensation Trust Fund

Action Items

- Minutes - June 9, 2004

DIA Funding for Annual Survey of Occupational Injuries

Executive Director Update

Miscellaneous

### **August 11, 2004**

DIA Update

Action Items

- Minutes - July 14, 2004

Amendment to WCAC Judicial Guidelines

Executive Director Update

Miscellaneous

### **September 21, 2004**

DIA Update

Action Items

- Minutes - August 11, 2004

Changes to the Safety Grant Program

Dying for Work in Massachusetts

- Marcy Goldstein-Gelb, Executive Director, MassCOSH

Executive Director Update

Miscellaneous

### **October 13, 2004**

DIA Update

Action Items

- Minutes - September 21, 2004

Industrial Accident Board Medical Rates

Executive Director Update

Miscellaneous

### **November 10, 2004**

DIA Update

Action Items

- Minutes - October 13, 2003

2004 Concerns & Recommendations Discussion

Executive Director Update

Miscellaneous

### **December 15, 2004**

DIA Update

Action Items

- Minutes – November 10, 2004

Executive Director Update  
Miscellaneous

**January 12, 2005**

DIA Update  
Action Items  
▪ Minutes – December 15, 2004  
Executive Director Update  
Miscellaneous

**February 16, 2005**

DIA Update  
Action Items  
▪ Minutes - January 12, 2005  
Uninsured Employers and Misclassification  
Executive Director Update  
Miscellaneous

**March 9, 2005**

DIA Update  
Action Items  
▪ Minutes – February 15, 2005  
Budget Subcommittee Update  
Executive Director Update  
Miscellaneous

**April 13, 2005**

DIA Update  
Actuarial Review of Rate Filing – KPMG  
▪ Richard A. Hofmann  
Action Items  
▪ Minutes – March 9, 2005  
Executive Director Update  
Miscellaneous

**May 11, 2005**

DIA Update  
Action Items  
▪ Minutes - April 13, 2005  
Workers' Compensation Legislation Discussion  
Executive Director Update  
Miscellaneous

**June 8, 2005**

DIA Update  
Action Items  
▪ Minutes - May 11, 2005  
Recommendations on Workers' Compensation Legislation  
Executive Director Update

## APPENDIX C

### Joint Committee on Labor & Workforce Development - FY'05

**Senator Thomas M. McGee (Chair)**  
State House - Room 74  
Boston, MA 02133-1053  
(617) 722-1350

**Senator Pamela P. Resor**  
State House - Room 410  
Boston, MA 02133-1053  
(617) 722-1120

**Senator Robert A. Antonioni**  
State House - Room 109-E  
Boston, MA 02133-1053  
(617) 722-1230

**Senator Edward M. Augustus, Jr.**  
State House - Room 413-D  
Boston, MA 02133-1053  
(617) 722-1485

**Senator Steven A. Tolman**  
State House – Room 213-A  
Boston, MA 02133-1053  
(617) 722-1280

**Senator Robert L. Hedland**  
State House - Room 413-F  
Boston, MA 02133-1053  
(617) 722-1646

**Rep. Michel J. Rodrigues (Chair)**  
State House - Room 43  
Boston, MA 02133-1053  
(617) 722-2030

**Representative James B Leary**  
State House - Room 43  
Boston, MA 02133-1053  
(617) 722-2030

**Representative Demetrius J. Atsalis**  
State House - Room 26  
Boston, MA 02133-1053  
(617) 722-2080

**Representative Paul C. Casey**  
State House - Room 238  
Boston, MA 02133-1053  
(617) 722-2380

**Representative Patricia D. Jehlen**  
State House - Room 275  
Boston, MA 02133-1053  
(617) 722-2676

**Representative Barry R. Finegold**  
State House - Room 473-B  
Boston, MA 02133-1053  
(617) 722-2263

**Representative Garrett J. Bradley**  
State House - Room 136  
Boston, MA 02133-1053  
(617) 722-2030

**Representative Lewis G. Evangelidis**  
State House - Room 473B  
Boston, MA 02133-1053  
(617) 722-2263

**Representative Sean Curran**  
State House - Room 43  
Boston, MA 02133-1053  
(617) 722-2030

**Representative Paul J. Loscocco**  
State House - Room 254  
Boston, MA 02133-1053  
(617) 722-2220

**Representative Barbara A. L'Italien**  
State House - Room 26  
Boston, MA 02133-1053  
(617) 722-2080

## APPENDIX D

### Industrial Accident Nominating Panel

**John Chapman**, Commissioner (Chair)

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600 Washington Street  
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**Joseph Bonfiglio**, Bus. Mgr. & Secretary Treasurer

Laborer's International Union - Local 151  
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**James C. Cronin**, Esq.

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Fax: (781) 642-2628

**Mr. Robert J. Haynes**, President

Mass. AFL-CIO  
389 Main Street, Suite 101  
Malden, MA 02148  
Tel: (781) 324-8230  
Fax: (781) 324-8225

**Mark D. Nielsen**, Chief Legal Counsel

Room 271 - State House  
Boston, MA 02133  
Tel: (617) 727-2065  
Fax: (617) 727-8290

**Stephen Marley**

22 Gavin Circle  
Andover, MA 01810  
Tel: (617) 495-3721  
Fax: (617) 496-8672

**James L. LaMothe, Jr.**, Senior Judge

Division of Industrial Accidents  
600 Washington Street  
Boston, MA 02111  
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Kenner, Engelberg, DaDalt & Bratcher  
60 State Street  
Boston, MA 02110  
Tel: (617) 371-4141  
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Fax: (617) 310-6001

**Dr. Grant Rodkey**

11 Beatrice Circle  
Belmont, MA 02478-02657  
Office: 724-0110 (Use V.A.# below)  
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**Renee M. Fry**, Director

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One Ashburton Pl., Room 2101  
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Fax: (978) 682-3330

## APPENDIX E

### The Governor's Council

Room 184, State House  
Boston, MA 02133  
(617) 725-4015

The Massachusetts Governor's Council, also known as the Executive Council, is comprised of eight individuals elected from districts, and the Lt. Governor who serves ex officio. The eight councilors are elected from their respective districts every two years. Each councilor is paid \$15,000 annually plus certain expenses.

The Council generally meets at noon on Wednesdays in the State House Chamber, next to the Governor's Office, to act on such issues as payments from the state treasury, criminal pardons and commutations, and approval of gubernatorial appointments; such as judges, notaries, and justices of the peace.

The Governor's Council is responsible for approving all Administrative Judges and Administrative Law Judges at the Division of Industrial Accidents.

**Michael J. Callahan**  
500 Salem Street  
Medford, MA 02155  
Res: (781) 393-9890

**Christopher A. Iannella**  
263 Pond Street  
Boston, MA 02130  
Bus: (617) 227-1538

**Carol A. Fiola**  
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Fall River, MA 02720  
Bus: (508) 678-9727

**Dennis P. McManus**  
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Worcester, MA 01605  
Bus: (508) 856-9800

**Marilyn M. Petitto Devaney**  
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Watertown, MA 02472  
Res: (617) 923-0778

**Peter Vickery**  
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Amherst, MA 01004-0300  
Bus: (413) 527-1352

**Mary-Ellen Manning**  
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Peabody, MA 01961-3528  
Bus: (978) 531-6363

**Kelly A. Timilty**  
15 Virgil Road  
West Roxbury, MA 02132  
Bus: (617) 325-7366  
Bus: (781) 828-6363

## APPENDIX F

### Health Care Services Board

#### **Current Members (2005):**

Dean M. Hashimoto, MD, JD (Chair)	<i>Ex-Officio Member</i>
Henry W. DiCarlo, MM (Vice-Chair)	<i>Employers' Representative</i>
David S. Babin, MD	<i>Physician Representative</i>
Robert A. Gundersen	<i>Hospital Administrative Representative</i>
Peter A. Hyatt, DC	<i>Chiropractic Representative</i>
Robert P. Naperstek, MD	<i>Physician Representative</i>
Barbara C. Mackey, MS, APRN	<i>Public Representative</i>
L. Christine Oliver, MD	<i>Physician Representative</i>
Cynthia M. Page, PT	<i>Physical Therapist Representative</i>
Janet D. Pearl, MD, MSC	<i>Physician Representative</i>
Nancy Lessin	<i>Employee Representative</i>
Richard F. Struzziero, D.M.D.	<i>Dentist Representative</i>
Richard P. Zimon, MD, FACP	<i>Physician Representative</i>

#### **Staff:**

Catherine R. Farnam, RN, MS, CS	<i>Executive Director</i>
Judith A. Atkinson, Esq.	<i>Counsel</i>
Hella Dalton	<i>Research Analyst</i>

**All members can be reached c/o:**

Division of Industrial Accidents  
*Health Care Services Board*  
600 Washington Street, 7th Floor  
Boston, MA 02111  
Tel: (617) 727-4900 x310 or x574  
Fax: (617) 348-2176



## APPENDIX G

### Roster of Judicial Expiration Dates

#### ***INDUSTRIAL ACCIDENT REVIEWING BOARD - SIX YEAR TERMS***

1.	Martine Carroll	Unenrolled	05/28/10
2.	Bernard Fabricant	Republican	05/28/10
3.	Mark Horan	Democrat	06/10/10
4.	William McCarthy	Democrat	05/21/10
5.	Patricia Costigan	Unenrolled	06/03/10
6.	<VACANT>	<N/A>	05/28/04

#### ***INDUSTRIAL ACCIDENT BOARD - SIX YEAR TERMS***

1.	Douglas Bean	Republican	06/26/05
2.	Michael Chadinha	Republican	05/28/10
3.	David Chivers	Republican	05/21/10
4.	William Constantino	Republican	06/13/07
5.	Lynn Brendemuehl	Unenrolled	07/06/06
6.	David Sullivan	Democrat	05/21/10
7.	Steven Rose	Republican	05/28/10
8.	Richard Heffernan	Democrat	09/04/09
9.	John Preston	Republican	07/29/06
10.	James LaMothe	Republican	01/31/09
11.	Roger Lewenberg	Republican	06/26/10
12.	Fred Taub	Democrat	08/03/06
13.	Douglas McDonald	Democrat	07/06/06
14.	Bridget Murphy	Republican	07/27/06
15.	Maureen McManus	Republican	05/28/10
16.	Herbert Dike	Republican	07/05/08
17.	Dianne Solomon	Unenrolled	08/10/06
18.	Catherine Koziol	Democrat	04/11/11
19.	Omar Hernandez	Democrat	12/29/05
20.	Richard Tirrell	Democrat	05/14/10
21.	Frederick Levine	Unenrolled	09/18/10

## Testimony: Workers' Compensation Advisory Council

Joint Committee on Labor & Workforce Development  
State House – Hearing Room B-1  
June 29, 2005

Good morning. My name is Andrew Burton and I serve as Executive Director for the Massachusetts Workers' Compensation Advisory Council. I am joined today by Council Member Mickey Long who represents the interests of labor and Council Member John Boyle who represents the interests of business.

The Advisory Council is a Governor-appointed board comprised of leaders from business and labor, as well as representatives from the legal, medical, insurance and vocational rehabilitation communities. Each month, Council Members come together to discuss a variety of workers' compensation issues with the ultimate goal of identifying problems and developing solutions. When the affirmative vote of at least seven members can be reached between business and labor, these positions are reflected in our recommendations.

It has been fourteen years since the enactment of the workers' compensation reform act of 1991 and the Massachusetts Workers' Compensation System continues to benefit. However, as a labor/management coalition, the Advisory Council believes that the passage of several bills would further complement the system for injured workers, employers and insurers.

The Advisory Council supports **Senate Bill 1099**, filed by Senator Hart and Representative Walsh. This bill would provide a vehicle for both private citizens and insurers to bring forth a civil action against employers who illegally fail to carry workers' compensation insurance or misclassify their workers for the purpose of avoiding premiums. On suits brought forth by private citizens, the majority of the damages would be deposited into the DIA's Trust Fund to help off-set payments made to injured workers of uninsured employers. Insurance carriers would be able to recover the full amount of the award in situations where they obtain court approval to replace the private citizens in a lawsuit. The Advisory Council believes that the passage of this legislation will help alleviate the competitive disadvantage faced by the vast majority of honest employers who purchase workers' compensation policies, when their competitors may not.

The Advisory Council also endorses **House Bill 1606**, filed by Representative Cabral, and **Senate Bill 1095**, filed by Senator Hart and Representative Walsh. These two bills would rightfully provide compensation for scar-based disfigurement appearing on any part of the body. Currently, scarring is only compensable if it appears on the face, neck or hands. Although both bills are subject to a \$15,000 maximum benefit, the Advisory Council encourages the Legislature to consider increasing this amount to an appropriate level.

The Advisory Council has also voiced support for raising the maximum burial allowance from \$4,000 to \$8,000. The current burial allowance of \$4,000 has not been increased in fourteen years and appears to be well below the national average. In 2001, the National Funeral Directors Association estimated that the average funeral and burial cost in Massachusetts was \$6,177. The Advisory Council believes that the Commonwealth has an obligation to ensure there is sufficient compensation available to the families of those workers killed on the job so that they may be honored with a respectful burial.

Along with these endorsements, the Advisory Council would also like to express opposition on two bills. First, Council Members are opposed to **Senate Bill 1097**, filed by Senator Hart, Representative Walsh and Representative Galvin. Under this bill, the surviving dependent of a worker that had died from an occupational illness or disease would receive compensation based upon the earnings of the last full time employment, regardless of whether that worker was earning wages at the time of death. This bill troubles Council Members because workers' compensation was designed as a wage-replacement mechanism and not as a life insurance policy. Furthermore, language contained within this bill would expand benefit eligibility requirements to include workers who are not even subject to the Workers' Compensation Act. The Advisory Council has been informed that the passage of this bill could financially jeopardize the DIA's Trust Fund, which makes reimbursement payments to insurers for latency injuries.

Second, the Advisory Council is opposed to **House Bill 1604**, filed by Representative Rogers. This bill would require the Workers' Compensation Rating & Inspection Bureau to initiate a cost containment pilot project during 2006 whereby Third Party Administrators (TPAs) would service claims for policies within the Assigned Risk Pool. Specifically, the Advisory Council is opposed to this bill because TPAs have no vested interest in the costs or health of the Pool and could thereby place injured workers at risk for receiving poor claim service. Carriers in Massachusetts already have built-in incentives to provide quality service since they must collectively participate in the Pool burden, pay premium taxes, and pay assessments to support the state's Insolvency Fund, the Insurance Fraud Bureau, the State Rating Bureau, and the Attorney General's Office.

Finally, there are two bills that directly affect the rate of payment by insurers for health care services: **House Bill 3776** and **House Bill 3778**. Although the Advisory Council has not taken a position on either of these bills, members have unanimously acknowledged the fact that medical reimbursement rates set by the Division of Health Care Finance & Policy are inadequate and, where appropriate, need to be adjusted. Council Members recognize that there will be a cost-impact with any adjustment to medical rates. However, they also acknowledge the positive impact that adequate rates could generate from allowing injured workers faster access to medical care to decreasing friction costs associated with litigation.

On behalf of the Advisory Council, we would like to thank the Joint Committee on Labor & Workforce Development for holding this hearing and allowing us the opportunity to share our recommendations. Any effort to amend the workers' compensation system must be carefully scrutinized to ensure that changes to the statute will build upon the successful aspects of the system, benefiting both injured workers and employers.

Thank you for the consideration of our recommendations.

Testimony:  
Workers' Compensation Advisory Council

Division of Insurance - Rate Hearing  
March 30, 2005

Request of the Workers' Compensation  
Rating & Inspection Bureau of Massachusetts (WCRB)  
for a General Revision to Workers' Compensation  
Insurance Rates and Rating Values

Commonwealth of Massachusetts, Division of Insurance  
Docket No. R2005-06

**Testimony of the Massachusetts Workers' Compensation Advisory Council**

Good morning. My name is Andrew Burton, and I serve as the Executive Director for the Massachusetts Workers' Compensation Advisory Council. The Advisory Council is a labor-management council that monitors and makes recommendations on all aspects of the workers' compensation system in the Commonwealth. The Council members are appointed by the Governor and are comprised of leaders from business and labor, as well as representatives from the legal, medical, insurance, and vocational rehabilitation communities.

Although the Advisory Council's involvement in the rate hearing process is limited by statute, we are empowered to gather loss data from "any insurance company or rating organization" and to "present a written statement and oral testimony relating to any issues which may arise during the course of the hearing" [M.G.L. c.152, §53A(6)].

The Advisory Council has recently contracted with KPMG LLP ("KPMG") to provide an independent actuarial analysis of the WCRB's rate filing to ensure that any adjustment to rates is not excessive, inadequate or unfairly discriminatory and falls within a range of reasonableness. Specifically, the objective of KPMG will be to identify key elements within the filing that appear to be erroneous or unsound, or based on unreasonable analysis or assumptions. KPMG will be presenting their preliminary findings to the Advisory Council on April 13, 2005.

On behalf of the Advisory Council, I respectfully request that we be granted the opportunity to fulfill our statutory duty and assist you in your evaluations by presenting to you our actuarial report upon its completion.

Thank you for the opportunity to present testimony at this time.

## Guidelines for Reviewing the Qualifications of Judicial Candidates

(Revised: August, 2004)

As the Massachusetts Workers' Compensation Advisory Council is charged with reviewing the qualifications of candidates for the position of administrative judge and administrative law judge at the Division of Industrial Accidents, the following guidelines are adopted to assist the Council in evaluating and rating candidates.

**A. Information Distribution:** Any information regarding a candidate, compiled by the Industrial Accident Nominating Panel, that is transmitted to the Advisory Council will be mailed, faxed, or delivered to the Advisory Council members. In the event this information cannot be provided to the Advisory Council members before an interview takes place, it will be provided at the interview.

**B. Paper Review - Sitting Judges:** Sitting Judges, seeking reappointment or appointment to a new position, who receive a favorable recommendation from the Senior Judge, will not be required to formally interview before the Council. The Advisory Council will vote on the qualifications of these Judges by reviewing any information provided by the Industrial Accident Nominating Panel. However, the Chair may, in his discretion or upon a vote of the majority of the Council members, require a sitting Judge to appear before the Council for an interview.

**C. Paper Review - Nomination Pool Candidates:** Any candidate who is currently serving in the Nomination Pool and reapplies for a judgeship will not be required to formally interview before the Council. The Advisory Council will vote on the qualifications of these candidates by reviewing any information provided by the Industrial Accident Nominating Panel. However, the Chair may, in his discretion or upon a vote of the majority of the Council members, require a Nomination Pool candidate to appear before the Council for an interview.

**D. Interview Notification to Candidates:** All other candidates, not mentioned in (B) or (C), will be formally interviewed by the Advisory Council. Said candidates will be notified by the Executive Director by telephone regarding the date, time, and location of the interviews.

**E. Advisory Council Interviews:** The Council will convene in Executive Session for the interview process. Each candidate must be prompt for their scheduled interview time. Each candidate will be allotted no more than 15 minutes for their interview. Council members will use nameplates for identification purposes and will forego introducing themselves to each candidate. The Chair will ask the candidates to briefly introduce themselves, state their qualifications, and their reasons for seeking the position. Upon

recognition of the Chair, both voting and non-voting members may ask questions of the candidates. Council members will use discretion in limiting questioning to the most pertinent concerns.

**F. Voting Procedure:** Upon determining a candidate's qualifications, pursuant to section 9 of chapter 23E, council members shall make a clear distinction of those candidates who have never served on the Industrial Accident Board, from those who are Sitting Judges, seeking reappointment or appointment to a new position. In conjunction with the Advisory Council's findings, it shall be noted that the judicial ratings of new candidates cannot and should not be compared to the judicial ratings of Sitting Judges.

Upon the completion of all interviews for each meeting, the Chair will ask for a motion on each candidate in the order in which they were interviewed. The Chair will first recognize only motions that rate the candidate as either "Qualified" or "Unqualified." If a motion for "Unqualified" passes, the Chair may recognize a "Motion to Reconsider" or shall move to the next candidate. If a motion for "Qualified" passes, a Council member may motion that the candidate be rated "Highly Qualified." A candidate must receive 7 affirmative votes for any motion to pass.

**G. Proxy Votes:** Voting by proxy is permitted. The Executive Director will contact each voting member prior to the interviews to obtain a proxy in the event said member is unable to attend. Voting members may direct their proxy how to vote on any candidate.

**H. Transmission of Findings:** After each meeting, the Chair shall address letters in alphabetical order to the Governor's Chief Legal Counsel advising him/her of the findings of the Council regarding each candidate. Each letter shall state that the qualifications of the candidate were reviewed, that an interview was conducted if necessary, and shall state the rating of the Council. In the event information was lacking on a particular candidate, this will be stated in the letter. In the event Council members could not agree as to "Qualified," "Unqualified," or "Highly Qualified" for any candidate, then the letter shall state that the Council could not reach a consensus on the qualifications for that candidate.

**I. Request for Additional Time:** In circumstances where the Advisory Council believes it has "good cause" to request additional time to review the candidates, beyond the one week time limit allotted in Executive Order No. 456, the Chair may contact the Governor's Chief Legal Counsel stating such reasons. The Chair will contact the Governor's Chief Legal Counsel by letter, phone, or fax, depending upon the urgency of the request.

## APPENDIX K

### Workers' Compensation Organizations

The following are government, private, and non-profit organizations that have a role in the Massachusetts workers' compensation system. Many of the organizations below are advocacy groups funded by a specific group to represent and promote their particular view.

This is meant to be informative only, and is by no means an exhaustive list of all groups involved with workers' compensation. Inclusion of an organization's name does not indicate an endorsement of any particular viewpoint or organization, nor does it relate to their effectiveness or reliability in advocating a particular view.

The categories are Massachusetts State Government, Insurance, Medical, Public Policy/Research, Fraud, Safety, Legal, and Federal Government/National Organizations.

#### *Massachusetts State Government*

##### **Massachusetts Workers' Compensation Advisory Council (WCAC)**

600 Washington Street, Boston, MA 02111

Phone: 617-727-4900 x378 Web Page: <http://www.mass.gov/wcac>

The Advisory Council is a labor-management committee appointed by the Governor to monitor, make recommendations, give testimony, and report on all aspects of the workers' compensation system, except the adjudication of particular claims or complaints, and to improve the workers' compensation system in the Commonwealth.

##### **Division of Industrial Accidents (DIA)**

600 Washington Street, Boston, MA 02111 (Boston Office)

Phone: 617-727-4900 Info: 800-323-3249 x470 Web Page: <http://www.mass.gov/dia>

The Division of Industrial Accidents administers the Commonwealth's workers' compensation system. The DIA provides prompt and rational compensation to victims of occupational injuries and illness. The DIA also ensure that medical treatment is provided in a timely manner to the injured worker while balancing the needs of employers to contain workers' compensation insurance costs.

##### **Joint Committee on Labor & Workforce Development**

State House, Room 43, Boston, MA 02133

Phone: 617-722-2030 Web Page: <http://www.mass.gov/legis/comm/j43.htm>

The Joint Committee on Labor and Workforce Development consists of elected state representatives and senators. It is their duty to consider all matters concerning commercial, industrial and mercantile establishments, industrial development, consumer protection, and discrimination with respect to employment, labor laws and other such matters.

**Office of the Governor**

State House, Room 360, Boston, MA 02133

Phone: 617-727-7238 Web Page: <http://www.mass.gov/gov>

The Governor appoints the Director of Labor, the Director of Workforce Development, the Director of Business and Technology, the Commissioner of the DIA, Administrative Judges and Administrative Law Judges of the DIA, as well as the members of the Workers' Compensation Advisory Council.

**Department of Labor**

600 Washington Street, 7<sup>th</sup> Floor, Boston, MA 02111

Phone: 617-727-4900 Web Page: <http://www.mass.gov/dol>

The Department of Labor consists of five state agencies: the Division of Industrial Accidents; the Division of Occupational Safety; the Board of Conciliation and Arbitration; the Labor Relations Commission; and the Joint Labor Management Committee. The Department of Labor's mission is to promote harmonious relations between employers and employees and the general welfare of the workers. The Director of Labor is an ex-officio member of the Massachusetts Workers' Compensation Advisory Council.

**Division of Occupational Safety**

399 Washington Street, 5th floor, Boston, MA 02108

Phone: 617-727-7047 Web Page: <http://www.mass.gov/dos>

The Division of Occupational Safety administers several workplace safety and health programs, all focused on the goal of having every worker return home from work safe and healthy each day. Part of the Division of Occupational Safety's mission is to effectively administer and enforce the laws of employment agencies in Massachusetts. This includes the issuance of the prevailing wage schedules for many public works projects; the promulgation and interpretation of the state's minimum wage regulations; and the issuance of minimum wage, seasonal business overtime, and uniform deposit waivers.

**Governor's Council**

State House, Room 184, Boston, MA 02133

Phone: 617-725-4015 Web Page: <http://www.mass.gov/gov/govco.htm>

The Massachusetts Governor's Council, also known as the Executive Council, is composed of eight individuals elected from districts, and the Lt. Governor who serves ex officio. The eight councilors are elected from their respective districts every two years. The Council generally meets at noon every Wednesday in the State House Chamber, next to the Governor's Office, to act upon such issues as payments from the state treasury, criminal pardons and commutations, and approval of gubernatorial appointments; such as judges, notaries, and justices of the peace. All DIA judges are appointed by the Governor subject to the consent & approval of the Governor's Council.

**Department of Workforce Development**

One Ashburton Place, Room 212, Boston, MA 02108

Phone: 617-727-6573 Web Page: <http://www.mass.gov/dlwd>

The Department of Workforce Development is dedicated to enhancing the quality, diversity, and stability of the Commonwealth's workforce by making available new opportunities and training for workers, job seekers, and employers; to preventing workplace injuries and illnesses; to providing temporary assistance when employment is interrupted; to ensuring that businesses are informed of all employment laws impacting them and their employees; and to promoting labor-management harmony.



### **Massachusetts Rehabilitation Commission (MRC)**

59 Temple Place, Boston, MA 02111

Phone: 617-201-3600 Web Page: <http://www.mass.gov/mrc>

The mission of the MRC is to provide comprehensive services with and for persons with disabilities toward the goal of employment and independence. In cooperation with other public and private human service organizations, the MRC promotes its ultimate vision of equality, empowerment and productive independence of individuals with disabilities.

### **Department of Business and Technology**

One Ashburton Place, Boston, MA 02108

Phone: 617-727-8380 Web Page: <http://www.mass.gov/dbt>

The Department of Business & Technology seeks to promote job creation and long-term economic growth in Massachusetts. The Department of Business & Technology seeks to attract new businesses to the state, helps existing businesses expand, assist emerging firms in obtaining the human, financial, and technological resources necessary to prosper and grow, and provide assistance and training to the unemployed and underemployed. The Director of Business & Technology is an ex-officio member of the Workers' Compensation Advisory Council.

### **Office of the Attorney General**

One Ashburton Place, Boston, MA 02108

Phone: 617-727-2200 Web Page: <http://www.mass.gov/ago>

The Attorney General's office prosecutes workers' compensation fraud and enforces state labor laws. It also held a series of meetings for its task force on waste, fraud, and abuse in the workers' compensation system. A series of "White Papers" are available from the office on issues brought up at those meetings.

## **Insurance**

### **Division of Insurance (DOI)**

One South Station, 5<sup>th</sup> floor, Boston, MA 02110-2208

Phone: 617-521-7794 Web Page: <http://www.mass.gov/doi>

The DOI regulates all insurance programs and monitors and licenses self-insurance groups. The **State Rating Bureau** is an office within the DOI that testifies at rate hearings with respect to insurance rates. The Commissioner of DOI holds hearings on rate filings and issues a decision.

### **DIA - Office of Insurance**

600 Washington Street, Boston, MA 02111

Phone: 617-727-4900 x371 Web Page: <http://www.mass.gov/dia>

Issues annual licenses for self-insurance; monitors insurance complaints; maintains the insurer register.

### **DIA - Office of Investigations**

600 Washington Street, Boston, MA 02111

Phone: 617-727-4900 x406 Web Page: <http://www.mass.gov/dia/investigation/index.htm>

Hot Line: 1-877-MASSAFE (877-627-7233 ext. 214)

Issues stop work orders and fines to employers operating in the Commonwealth without workers' compensation insurance. In June 2004, the Investigation Unit established a "Tipsters Hotline" for citizens to anonymously report persons or businesses in violation with the law.

**The Workers' Compensation Rating and Inspection Bureau of Massachusetts (WCRIB)**

101 Arch Street, 5<sup>th</sup> floor, Boston, MA 02110

Phone: 617-439-9030 Web Page: <https://www.wcribma.org/mass>

Private non profit body funded by insurers;

- Licensed rating organization for workers' compensation; WCRIB submits workers' compensation insurance rates, rating plans, and forms for approval (rates are subject to approval by the Commissioner of Insurance);
- WCRIB is the statistical agent for workers' compensation for the Commissioner of Insurance;
- Administers assigned risk pool; designates insurance carriers for employers who cannot obtain policy in voluntary market;
- Collects statistical data from insurers;
- NCCI handles some of the accounting procedures for the pool.

**National Council on Compensation Insurance (NCCI)**

750 Park of Commerce Drive, Boca Raton, FL 33487

Phone: 800-622-4123 Web Page: <http://www.ncci.com>

NCCI is a national organization devoted to workers' compensation insurance. It has a somewhat limited role in Massachusetts:

- Does some of the accounting for the assigned risk pool under contract with the WCRIB;
- Determines residual market loss reserves.
- In 34 other states, NCCI is the organization that files for insurance rates or loss costs (in Massachusetts, it is the WCRIB that files for rate changes);
- NCCI also administers various state funds where the state acts as an insurance carrier for workers' compensation.

## **Medical**

**Division of Health Care Finance and Policy**

2 Boylston Street, Boston, MA 02116-4737

Phone: 617-988-3100 Web Page: <http://www.mass.gov/dhcfp>

The Division of Health Care Finance and Policy (formerly the Rate Setting Commission) sets reimbursement rates for medical services in workers' compensation.

**DIA - The Health Care Services Board (HCSB)**

Phone: 617-727-4900 x310 Web Page: <http://www.mass.gov/dia/hcsb>

This is a medical advisory body consisting of 14 members. The HCSB reviews and develops medical treatment guidelines, in addition to developing criteria by which qualified health care providers are selected for the DIA's impartial physician roster. The Board also receives, reviews and investigates complaints against health care practitioners providing services to the injured worker. This office coordinates the utilization review program, the Medical Consultant Consortium, and the Health Care Services Board at the DIA.

**DIA – The Office of Health Policy (OHP)**

Phone: 617-727-4900 x438 Web Page: <http://www.mass.gov/dia/hcsb/OHP>

The Office of Health Policy approves and monitors workers' compensation utilization programs in Massachusetts to ensure compliance with the requirements of the regulations.

**Massachusetts Medical Society**

860 Winter Street, Waltham Woods Corporate Center, Waltham, MA 02451-1411

Phone: 781-893-4610 / 800-322-2303 Web Page: <http://www.massmed.org>

Private, non-profit professional association represents the Massachusetts physician community.

**Massachusetts Hospital Association**

5 New England Executive Park, Burlington, MA 01803

Phone: 781-272-8000 Web Page: <http://www.mhalink.org>

The Massachusetts Hospital Association (MHA) is a voluntary, non-profit organization comprised of hospitals and health systems, related organizations, and other members with a common interest in promoting the health of the people in the Commonwealth.

**Massachusetts Orthopedic Association**

45 Broad Street, Boston, MA 02109

Phone: 617-451-9663

Private, non-profit professional association representing physicians practicing in the specialty area of orthopedic surgery.

**Massachusetts Chiropractic Society**

76 Woodland Street, Methuen, MA 01844-4295

Phone: 978-682-8242 / 800-442-6155 Web Page: <http://www.masschiro.org>

The Massachusetts Chiropractic Society a non-profit membership service organization representing the chiropractic profession in Massachusetts. The Society's principle function is to maintain the standards in education, ethics, and professional competency necessary to meet the requirements of the profession and the expectations of the general public.

**American Physical Therapy Association of Massachusetts**

34 Atlantic Street, Gloucester, MA 01930-1625

Phone: 617-429-1325 National Chapter: 800-999-2782 Web Page: <http://aptaofmass.org>

The American Physical Therapy Association of Massachusetts Inc., with more than 2200 members, is a component of the American Physical Therapy Association. APTA's goal is to foster advancement in physical therapy practice, education, and research.

**American Occupational Therapy Association (AOTA)**

4270 Montgomery Lane, P.O. Box 31220, Bethesda, MD 20824-1220

Phone: 301-652-2682 Web Page: <http://www.aota.org>

The American Occupational Therapy Association (AOTA) supports the professional community for occupational therapists and develops and preserves the viability and relevance of the profession. The organization serves the interests of its members, represents the profession to the public, and promotes access to occupational therapy services.

**Massachusetts Occupational Therapy Association (MAOT)**

57 Madison Road, Waltham, MA 02453-6718

Phone: 781-647-5556 Web Page: <http://www.maot.org>

The Massachusetts Association for Occupational Therapy provides a professional network for its members and develops and preserves the profession. MAOT serves the interests of its members, represents the profession to the public and promotes access to occupational therapy.

## *Public Policy / Research*

### **Workers' Compensation Research Institute (WCRI)**

955 Massachusetts Avenue, Cambridge, MA 02139

Phone: 617-661-9274(WCRI) Web Page: <http://www.wcrinet.org>

WCRI is a nonpartisan, non-profit public policy research organization funded primarily by employers and insurers. The WCRI research takes several forms, according to their statement of purpose: "original research studies of major issues confronting workers' compensation systems; original studies of individual state systems where policy makers have shown an interest in reform and where there is an unmet need for that objective information; source book that brings together information from a variety of sources to provide unique, convenient reference works on specific issues; periodic research briefs on significant new research, data, and issues in the field." (WCRI Annual Report/Research Review, 1992).

### **Associated Industries of Massachusetts (AIM)**

Workers' Compensation Oversight Committee

222 Berkeley Street, P.O. Box 763, Boston, MA 02117-0763

Phone: 617-262-1180 Hot Line: 800-470-6277 Web Page: <http://www.aimnet.org>

The Associated Industries of Massachusetts is a dues-supported, non-profit, nonpartisan employers' association dedicated to improving the Commonwealth's economic climate.

### **Massachusetts AFL-CIO**

389 Main Street, Malden, MA 02148

Phone: 781-324-8230 Web Page: <http://www.massaficio.org>

The AFL-CIO is the umbrella organization representing more than 750 local unions and intermediate bodies in Massachusetts. The AFL-CIO is dedicated to empowering the worker by improving the standard of living and the quality of life for all working people.

### **International Association of Industrial Accident Boards and Commissions (IAIABC)**

5610 Medical Circle, Suite 24, Madison, WI 53719

Phone: 608-663-6355 Web Page: <http://www.iaiaabc.org>

The International Association of Industrial Accident Boards and Commissions serves the needs of the workers compensation system through promoting efficient and farsighted regulation and administration of the law.

## *Fraud*

### **Insurance Fraud Bureau of Massachusetts (IFB)**

101 Arch Street, Boston, MA 02110

Phone: 617-439-0439 (1-800-32FRAUD) Web Page: <http://www.ifb.org>

The Insurance Fraud Bureau of Massachusetts is a multifaceted investigative agency dedicated to the systematic elimination of fraudulent insurance transactions. Authorized by an Act of the Massachusetts Legislature and signed into law in 1990, the Insurance Fraud Bureau undertakes cases for investigation and preparation for criminal prosecution. The Bureau is wholly funded by the insurance industry in Massachusetts.

## *Safety*

### **Office of the Attorney General - Business and Labor Protection Bureau**

Fair Labor and Business Practices Division, One Ashburton Place, Boston, MA 02108

Phone: 617-727-2200 Web Page: <http://www.ago.state.ma.us>

Fair Labor and Business Practices Branch Office, 184 North St., Pittsfield, MA 01201

Phone: 413-7324 ext. 218

The Business and Labor Protection Bureau investigates and prosecutes violations of child labor laws and work-related injuries to minors, grants workplace procedure waivers, inspects workplace safety on construction sites, industrial sites and in the manufacturing industry. They also prosecute egregious cases of violations of industrial workplace safety and may shut down a job site in cases of imminent danger to the safety of employees or the public.

### **DIA - Office of Safety**

600 Washington Street, Boston, MA 02111

Phone: 617-727-4900 x387 / 978-683-6420 x138 Web Page: <http://www.mass.gov/dia/Safety>

The function of the Office of Safety is to reduce work related injury and illnesses by “establishing and supervising programs for data collection on workplace injuries and for the education and training of employees and employers in the recognition, avoidance and prevention of unsafe or unhealthy working conditions in employment and advising employees and employers on these issues.” (M.G.L. c. 23E, 3(6)).

### **Massachusetts Coalition of Occupational Safety and Health** (MassCOSH)

12 Southern Avenue, Dorchester, MA 02124

Phone: 617-825-7233(SAFE) Web Page: <http://www.masscosh.org>

The following safety councils provide publications, videos, training programs, speakers and other information for a fee.

- *Safety Council of Western Massachusetts* (Springfield) 413-731-0760
- *National Safety Council*, Central MA Chapter (West Boylston) 508-835-2333
- *Massachusetts Safety Council* (Braintree) (Serves Eastern MA) 781-356-1633
- *American Society of Safety Engineers* (ASSE) is a non profit association that provides monthly educational seminars and training. It can be reached through the local safety councils 847-699-2929.

## *Legal*

### **Massachusetts Bar Association**

Workers' Compensation Committee

20 West Street, Boston, MA 02111-1204

Phone: 617-542-3602 Web Site: <http://www.massbar.org>

The Massachusetts Bar Association is the statewide voluntary professional association for all lawyers, in all types of practice, in all areas of law.

### **Massachusetts Academy of Trial Attorneys**

15 Broad Street, Suite 415, Boston, MA 02109

Phone: 617-248-5858 Web Site: <http://www.massacademy.com>

Private, non-profit professional association represents the plaintiff's attorneys in Massachusetts.

## *Federal Government / National Organizations*

While most programs for workers' compensation are administered at the state level, there are various safety, labor, and workers' compensation programs administered by the federal government.

### **U.S. Department of Labor**

Employment Standards Administration

Office of Workers' Compensation Programs

Division of Planning, Policy and Standards

200 Constitution Avenue, N.W., Washington, D.C. 20210

Phone: 1-866-4-USA-DOL Web Site: <http://www.dol.gov>

The Division of Planning, Policy and Standards at the Office of Workers' Compensation Programs serves as a liaison to the states regarding state workers' compensation matters. They produce two major publications: State Workers' Compensation Administration Profiles and State Workers' Compensation Laws.

The Office of Workers' Compensation Programs also administers four other divisions: Division of Longshore and Harbor Workers' Compensation (202-693-0038); Division of Energy Employee's Compensation (866-888-3322\*); Division of Federal Employee's Compensation (866-962-7487\*); and the Division of Coal Mine Workers' Compensation (800-638-7072\*).

**\*Toll Free Numbers**

### **Occupational Safety and Health Administration (OSHA)**

200 Constitution Avenue, N.W.

Washington, D.C. 20210

Phone: 617-565-9860 Web Site: <http://www.osha.org>

OSHA's mission is to assure safety and health of America's workers by setting and enforcing standards; providing training, outreach and education; establishing partnerships; and encouraging continual improvement in workplace safety and health.

### **OSHA Massachusetts Regional Offices**

#### **North Boston Area Office**

Valley Office Park, 13 Branch Street, Methuen, MA 01844

Phone: (617) 565-8110

#### **South Boston Area Office**

639 Granite Street, 4<sup>th</sup> Floor, Braintree, MA 02184

Phone: (617) 565-6924

#### **Springfield Area Office**

1441 Main Street, Room 550, Springfield, MA 01103-1493

Phone: (413) 785-0123

### **National Institute for Occupational Safety and Health (NIOSH)**

1095 Willowdale Road

Morgantown, WV 26505-2888

Phone: 304-285-5894 / 800-311-3435 Web Site: <http://www.cdc.gov/niosh>

Federal agency under the Department of Health and Human Service. Clearinghouse information on workplace safety, health, and illness.

**National Institute for Occupational Safety and Health (NIOSH)**

New England Field Office

P.O. Box 87040, South Dartmouth, MA 02748-0701

Phone: 508-997-6126 Web Site: <http://www.cdc.gov/niosh>

Federal agency under the Department of Health and Human Service. Clearinghouse information on workplace safety, health, and illness.

**Occupational Health Foundation (OHF)**

815 16th Street, N.W. Suite 312

Washington, D.C. 20006

Phone: 202-842-7840

The OHF is a labor-sponsored, non-profit organization delivering service to the American labor movement and individual members of the workforce. OHF's mission is to improve occupational safety and health conditions for workers. (OHF 1993 Annual Program Report)

**United States Chamber of Commerce**

1615 H Street, N.W.

Washington, D.C. 20062-2000

Phone: 202-659-6000 / 800-638-6582 Web Site: <http://www.uschamber.com>

Publishes an analysis of state workers' compensation statutes.

## APPENDIX L

### Office of Safety Proposals Recommended for Funding - FY 2006

1. Caritas Good Samaritan  
75 Stockwell Drive  
Avon, MA 02322  
(508) 427-3900  
**Title:** Occupational Safety and Health Training Program  
**Category of Applicant:** Private Employer  
**Target Population:** Employees/Employers/Supervisors  
**Geographic Target:** South Shore  
**Program Administrator:** Kay Pacheo  
**Total Funds Requested:** \$21,837.00      **Approved:** \$21,837.00      **Score:** 91.25
  
2. MA Division Of Occupational Safety  
1001 Watertown Street  
West Newton, MA 02465  
(617) 727-4581  
**Title:** Occupational Safety and Health Education and Training Program  
**Category of Applicant:** Public Employer  
**Target Population:** Employees/Supervisors  
**Geographic Target:** Statewide  
**Program Administrator:** Robert Kenrick  
**Total Funds Requested:** \$17,515.47      **Approved:** \$17,515.47      **Score:** 85.75
  
3. ARC Berkshire Chapter  
480 West Street  
Pittsfield, MA 01201  
**Title:** First Aid/ CPR  
**Category of Applicant:** Private Employer  
**Target Population:** Employees/Supervisors/Safety Committee  
**Geographic Target:** Pittsfield  
**Program Administrator:** Michael Murphy  
**Total Funds Requested:** \$ 5,510.07      **Approved:** \$ 4,236.77      **Score:** 85.25
  
4. Guardian Ambulance  
37 Marston Street  
Lawrence, MA 01841  
(978) 686-1199  
**Title:** Preventing Injuries from Patients in Nursing Homes/Ambulances  
**Category of Applicant:** Private Employer  
**Target Population:** Employees/Supervisors  
**Geographic Target:** Lawrence  
**Program Administrator:** Steve Combs  
**Total Funds Requested:** \$19,200.00      **Approved:** \$19,200.00      **Score:** 83.75



5. Sun Life Financial  
1 Sun Life Executive Park  
Wellesley Hills, MA 02481  
**Title:** Ergonomic Training  
**Category of Applicant:** Private Employer  
**Target Population:** Employees  
**Geographic Target:** Boston  
**Program Administrator:** Mary Kowalski  
**Total Funds Requested:** \$24,957.00      **Approved:** \$22,269.38      **Score:** 82.75
6. Symmons Industries  
31 Brooks Drive  
Braintree, MA 02184  
(781) 848-2250  
**Title:** Prevention of Work Related Musculo-Skeletal Injuries/CPR-First Aid  
**Category of Applicant:** Private Employer  
**Target Population:** Employees/Supervisors  
**Geographic Target:** Boston/South Shore  
**Program Administrator:** Jean Shiflett  
**Total Funds Requested:** \$24,925.00      **Approved:** \$19,675.00      **Score:** 82.25
7. Mass Compliance  
P.O. Box 609  
Falmouth, MA 02574  
(978) 847-9552  
**Title:** Occupational Health and Safety Training  
**Category of Applicant:** Private Employer  
**Target Population:** Employees  
**Geographic Target:** Statewide  
**Program Administrator:** Beth DiPietro  
**Total Funds Requested:** \$20,803.51      **Approved:** \$18,997.89      **Score:** 82.0
8. Rhom and Haas  
455 Forest Street  
Marlborough, MA 01752  
(508) 481-7950  
**Title:** Ergonomic Awareness Training for Manufacturing and Office Workers  
**Category of Applicant:** Private Employer  
**Target Population:** Employees/Supervisors  
**Geographic Target:** Worcester  
**Program Administrator:** Michael Lombardi  
**Total Funds Requested:** \$12,037.00      **Approved:** \$12,037.00      **Score:** 82.0
9. ATR  
100 Main Street  
Amesbury, MA 01913  
(978) 388-6775  
**Title:** Musculoskeletal Injury Prevention  
**Category of Applicant:** Private Employer  
**Target Population:** Employees/Employers  
**Geographic Target:** Statewide

- Program Administrator:** Trish Going  
**Total Funds Requested:** \$24,877.00      **Approved:** \$24,877.00      **Score:** 81.3
10. Mass. Floor Covers  
803 Summer Street  
S. Boston MA 02127-1616  
**Title:** OSHA 10 hr Training  
**Category of Applicant:** Labor Organization  
**Target Population:** Employees/Supervisors/Employer  
**Geographic Target:** Boston  
**Program Administrator:** Thomas O'Toole  
**Total Funds Requested:** \$ 7,056.70      **Approved:** \$ 7,056.70      **Score:** 80.75
11. Labor Management  
256 Freeport Street  
Boston, MA 02122  
(617) 436-4163  
**Title:** OSHA 10 and 30 hr Training  
**Category of Applicant:** Joint Labor Management Committee  
**Target Population:** Employees  
**Geographic Target:** Statewide  
**Program Administrator:** Mary Vogel  
**Total Funds Requested:** \$ 9,006.00      **Approved:** \$ 8,243.28      **Score:** 80.5
12. Medical Training Associates  
50 Worcester Place  
Rockport, MA 01966  
(800) 822-0550  
**Title:** CPR/First Aid Training  
**Category of Applicant:** Private Employer  
**Target Population:** Employees/Supervisors  
**Geographic Target:** Statewide  
**Program Administrator:** Craig Morrill  
**Total Funds Requested:** \$24,975.00      **Approved:** \$24,975.00      **Score:** 80.5
13. Quadrant Health  
34 Salem Street  
Wilmington, MA 01887  
(978) 988-8832  
**Title:** Preventing Musculoskeletal Injuries  
**Category of Applicant:** Private  
**Target Population:** Employees  
**Geographic Target:** Statewide  
**Program Administrator:** Rena Hannaford  
**Total Funds Requested:** \$24,990.00      **Approved:** \$17,246.25      **Score:** 78.5
14. Reebok  
1895 JW Foster Blvd.  
Canton, MA 02021  
(781) 401-4190  
**Title:** Ergonomics Training Program

- Category of Applicant:** Private Employer  
**Target Population:** Employees/Supervisors  
**Geographic Target:** Boston  
**Program Administrator:** David Pratt  
**Total Funds Requested:** \$24,870.30      **Approved:** \$22,470.30      **Score:** 78.375
15. Franklin Regional Council of Governments  
425 Main Street  
Greenfield, MA 01301-3313  
(413) 774-3167  
**Title:** Various OSHA Trainings  
**Category of Applicant:** Public Employer  
**Target Population:** Employees/Supervisors  
**Geographic Target:** Western MA  
**Program Administrator:** Phoebe Walker  
**Total Funds Requested:** \$10,407.50      **Approved:** \$ 8,247.03      **Score:** 78.0
16. New England Carpenters Training Fund  
13 Holman Road  
Millbury, MA 01527  
**Title:** 10 and 30 hr OSHA Training  
**Category of Applicant:** Labor Organization  
**Target Population:** Employees  
**Geographic Target:** Worcester  
**Program Administrator:** Richard Nihita  
**Total Funds Requested:** \$23,774.60      **Approved:** \$23,774.60      **Score:** 77.75
17. Red Cats USA  
300 Constitution Drive  
Tauton, MA 02379  
(508) 895-4179  
**Title:** Ergonomic Training Program  
**Category of Applicant:** Private Employer  
**Target Population:** Employees/Supervisors/Employer  
**Geographic Target:** South Shore  
**Program Administrator:** Thomas Minichiello  
**Total Funds Requested:** \$24,877.00      **Approved:** \$24,877.00      **Score:** 77.5
18. Varian Semi Conductor  
35 Dory Road  
Gloucester, MA 01930  
(978) 282-7547  
**Title:** Ergonomics Training  
**Category of Applicant:** Public Employer  
**Target Population:** Employees/Employer  
**Geographic Target:** North Shore  
**Program Administrator:** Jon Levis  
**Total Funds Requested:** \$20,425.00      **Approved:** \$14,800.00      **Score:** 76.5

19. Southeast Hospitals Group  
363 Highland Avenue  
Fall River, MA 02720  
(508) 679-3131  
**Title:** Health and Safety Training for Patients and Staff  
**Category of Applicant:** Public Employer  
**Target Population:** Employees/Employers  
**Geographic Target:** Fall River  
**Program Administrator:** Janet Hathaway  
**Total Funds Requested:** \$14,231.00      **Approved:** \$11,823.50      **Score:** 76.5
20. US Food Service  
One Technology Drive  
Peabody, MA 01960  
(978) 977-5106  
**Title:** Ergonomic Safety Training Program  
**Category of Applicant:** Public Employer  
**Target Population:** Employees/Employers  
**Geographic Target:** North Shore  
**Program Administrator:** Laurel Marchessault  
**Total Funds Requested:** \$23,455.00      **Approved:** \$19,967.50      **Score:** 76.25
21. Southeastern Mass Carpenters  
21 Mazzeo Drive Suite 201  
Randolf, MA 02687  
(781) 963-0200  
**Title:** Occupational Safety and Health Education and Training  
**Category of Applicant:** Labor Organization  
**Target Population:** Employees/Supervisors  
**Geographic Target:** Statewide  
**Program Administrator:** Richard Anderson  
**Total Funds Requested:** \$23,082.00      **Approved:** \$24,062.00      **Score:** 75.25
22. Sagamore Plumbing  
320 Libbey Industrial Parkway  
Weymouth, MA 02189  
(781) 331-1600  
**Title:** Occupational Safety and Health Training Program  
**Category of Applicant:** Private Employer  
**Target Population:** Employees/Supervisors  
**Geographic Target:** Statewide  
**Program Administrator:** Gerald Fusco  
**Total Funds Requested:** \$19,802.00      **Approved:** \$16,954.36      **Score:** 75.0
23. Wayne Griffin Electric  
116 Hopping Brook Road  
Holliston, MA 01746  
(508) 429-8830  
**Title:** Comprehensive Safety Training Program OSHA  
**Category of Applicant:** Public Employer  
**Target Population:** Employees/Employers

- Geographic Target:** Statewide  
**Program Administrator:** Margie D'Anneillo  
**Total Funds Requested:** \$21,375.00      **Approved:** \$11,475.00      **Score:** 75.0
24. City of Newton  
1000 Commonwealth Avenue  
Newton Centre, MA 02459  
(617) 282-1260  
**Title:** Comprehensive Safety Training Program  
**Category of Applicant:** Public Employer  
**Target Population:** Employees/Employers  
**Geographic Target:** Boston  
**Program Administrator:** Lori Burke  
**Total Funds Requested:** \$12,390.60      **Approved:** \$ 3,250.13      **Score:** 75.0
25. Northeast Carpenters  
350 Fordham Street  
Wilmington, MA  
(978) 752-1197  
**Title:** OSHA 10 and 30 hr Safety Training Program  
**Category of Applicant:** Labor Organization  
**Target Population:** Employees  
**Geographic Target:** North Shore  
**Program Administrator:** Richard Dean  
**Total Funds Requested:** \$18,915.60      **Approved:** \$18,665.40      **Score:** 74.5
26. Hasbro Games  
443 Shaker Road  
East Longmeadow, MA 01028  
(413) 526-2419  
**Title:** Ergonomic Training to Prevent Musculoskeletal Injuries  
**Category of Applicant:** Private Employer  
**Target Population:** Employees/Supervisors  
**Geographic Target:** Springfield  
**Program Administrator:** Jack Popp  
**Total Funds Requested:** \$24,827.00      **Approved:** \$23,327.00      **Score:** 74.5
27. Weetabix Company  
20 Cameron Street  
Clinton, MA 01510  
(978) 365-7268  
**Title:** Ergonomics Awareness Training  
**Category of Applicant:** Private Employer  
**Target Population:** Employees/Employers/Supervisors  
**Geographic Target:** Worcester  
**Program Administrator:** Collette McHugh  
**Total Funds Requested:** \$18,056.00      **Approved:** \$14,043.75      **Score:** 74.0
28. Mabbett and Associates  
5 Alfred Circle  
Bedford, MA 01730

- (781) 275-6050  
**Title:** Weapons of Mass Destruction  
**Category of Applicant:** Private Employer  
**Target Population:** Employees/Supervisors  
**Geographic Target:** Lawrence  
**Program Administrator:** Susan Smits  
**Total Funds Requested:** \$24,619.10      **Approved:** \$24,619.10      **Score:** 73.25
29. Boston Carpenters  
385 Market Street  
Brighton, MA 02135  
(617) 782-4314  
**Title:** Health and Safety Training for Construction  
**Category of Applicant:** Labor Organization  
**Target Population:** Employees/Supervisors  
**Geographic Target:** Statewide  
**Program Administrator:** Benjamin Tilton  
**Total Funds Requested:** \$24,013.00      **Approved:** \$24,989.40      **Score:** 73.0
30. Boston Painters Local 35  
25 Colgate Road  
Roslindale, MA 02131  
(617) 524-0248  
**Title:** 10 and 30 hr OSHA Training  
**Category of Applicant:** Labor Organization  
**Target Population:** Employees  
**Geographic Target:** Boston  
**Program Administrator:** Eric Redding  
**Total Funds Requested:** \$23,520.00      **Approved:** \$17,166.01      **Score:** 71.5
31. Fishery Products International  
18 Electronics Avenue  
Danvers, MA 01923  
(978) 750-5163  
**Title:** Ergonomics Safety Training  
**Category of Applicant:** Private Employer  
**Target Population:** Employees /Supervisors  
**Geographic Target:** North Shore  
**Program Administrator:** Dawn Strong  
**Total Funds Requested:** \$24,427.00      **Approved:** \$16,945.75      **Score:** 71.5
32. Trustees of the Reservations  
572 Essex Street  
Beverly, MA 01951  
(978) 921-1944  
**Title:** Various OSHA Safety Trainings  
**Category of Applicant:** Private Employer  
**Target Population:** Employees  
**Geographic Target:** Statewide  
**Program Administrator:** Kerry Smith  
**Total Funds Requested:** \$15,003.00      **Approved:** \$14,492.66      **Score:** 71.25

33. 7 Generations  
PO Box 713  
Pepperell, MA 01463  
(978) 808-6990  
**Title:** Public Works Safety Training  
**Category of Applicant:** Private Employer  
**Target Population:** Employees  
**Geographic Target:** North  
**Program Administrator:** Lorretta Sanford  
**Total Funds Requested:** \$24,097.47      **Approved:** \$24,097.47      **Score:** 70.25
34. Dr. Stephan Soreff  
13 Uxbridge Street  
Worcester, MA 01605-2512  
(508) 791-0258  
**Title:** Resident Aggression in Nursing Homes  
**Category of Applicant:** Private Employer  
**Target Population:** Employees /Employers  
**Geographic Target:** Statewide  
**Program Administrator:** Stephan Soreff  
**Total Funds Requested:** \$24,343.00      **Approved:** \$24,343.50      **Score:** 69.0
35. Department of Conservation and Recreation  
251 Causeway Street  
Boston, MA 02114  
(617) 626-1250  
**Title:** Various OSHA Trainings  
**Category of Applicant:** Public Employer  
**Target Population:** Employees  
**Geographic Target:** Statewide  
**Program Administrator:** Johanna Zabriskie  
**Total Funds Requested:** \$25,000.00      **Approved:** \$24,644.75      **Score:** 68.75
36. Polaroid  
1265 Main Street  
Waltham, MA 02450  
(781) 386-0589  
**Title:** OSHA Training  
**Category of Applicant:** Private Employer  
**Target Population:** Employees  
**Geographic Target:** North Shore  
**Program Administrator:** Richard DiBona  
**Total Funds Requested:** \$24,931.00      **Approved:** \$24,931.00      **Score:** 66.25
37. Interprint Inc.  
125 Pecks Road  
Pittsfield, MA 01201  
(413) 443-4733  
**Title:** Company Safety Training  
**Category of Applicant:** Private Employer

- Target Population:** Employees  
**Geographic Target:** Pittsfield  
**Program Administrator:** Lauren Ziemek  
**Total Funds Requested:** \$ 6,960.00      **Approved:** \$ 3,470.00      **Score:** 66.0
38. Metalor Technologies USA  
255 John Dietsch Blvd.  
North Attleboro, MA 02761  
**Title:** Company Safety Training  
**Category of Applicant:** Private Employer  
**Target Population:** Employees  
**Geographic Target:** South Shore  
**Program Administrator:** Chuck Tatakis  
**Total Funds Requested:** \$ 9,600.00      **Approved:** \$ 2,400.00      **Score:** 65.25
39. Rehabilitative Resources  
PO Box 38  
Sturbridge, MA 01566  
(508) 347-8181  
**Title:** Kitchen and Back Safety Training  
**Category of Applicant:** Private Employer  
**Target Population:** Employees /Employers  
**Geographic Target:** Statewide  
**Program Administrator:** Bonita Keefe Laden  
**Total Funds Requested:** \$24,986.00      **Approved:** \$17,042.96      **Score:** 64.5
40. Cycles, Inc.  
32 Chocksett Road  
Sterling, MA 01564  
(978) 422-6800  
**Title:** OSHA Training for Employees  
**Category of Applicant:** Private Employer  
**Target Population:** Employees  
**Geographic Target:** Western MA  
**Program Administrator:** Pam Hanna  
**Total Funds Requested:** \$ 5,450.00      **Approved:** \$ 5,450.00      **Score:** 63.2
41. Newton Wellesly Hospital  
2014 Washington Street  
Newton, MA 02462  
(617) 243-6170  
**Title:** Safety Patient Transfer Training  
**Category of Applicant:** Private Employer  
**Target Population:** Employees  
**Geographic Target:** Boston  
**Program Administrator:** Marie Jessup  
**Total Funds Requested:** \$21,635.00      **Approved:** \$20,283.19      **Score:** 63.0
42. Caritas Norwood Hospital  
800 Washington Street  
Norwood, MA 02062



- (508) 427-3900  
**Title:** Safety Patient Transfer Training  
**Category of Applicant:** Non-profit  
**Target Population:** Employees  
**Geographic Target:** Boston  
**Program Administrator:** Dan Mauchard  
**Total Funds Requested:** \$17,302.00      **Approved:** \$16,250.63      **Score:** 63.0
43. Milton Hospital  
902 Highland Street  
Milton, MA 02186  
(617) 696-4600  
**Title:** Safety Patient Transfer Training  
**Category of Applicant:** Private Employer  
**Target Population:** Employees/Supervisors  
**Geographic Target:** South Shore  
**Program Administrator:** Kathleen Harrington  
**Total Funds Requested:** \$16,120.00      **Approved:** \$15,167.25      **Score:** 63.0
44. Jordan Hospital  
275 Sandwich Street  
Plymouth, MA 02360  
(508) 830-2032  
**Title:** Occupational Safety and Health Training Program  
**Category of Applicant:** Private Employer  
**Target Population:** Employees/Supervisors  
**Geographic Target:** South Shore  
**Program Administrator:** Peg O'Conner  
**Total Funds Requested:** \$17,302.00      **Approved:** 16,250.63      **Score:** 63.0
45. First Cardinal  
190 Forbes Road  
Braintree, MA 02184  
(781) 844-4378  
**Title:** Ergonomic  
**Category of Applicant:** Private Employer  
**Target Population:** Supervisors/Employees  
**Geographic Target:** Boston  
**Program Administrator:** Chric Clark  
**Total Funds Requested:** \$29,770.80      **Approved:** \$22,627.35      **Score:** 61.0
46. EH&H  
60 Wells Avenue  
Newton, MA 02459  
(617) 964-8550  
**Title:** Preventing Injuries in the Health Care Industry  
**Category of Applicant:** Private Employer  
**Target Population:** Employees/Supervisors  
**Geographic Target:** Boston  
**Program Administrator:** Marc LePrie  
**Total Funds Requested:** \$24,325.00      **Approved:** \$20,250.00      **Score:** 60.5

47. Family Service Association  
101 Rock Street  
Fall River, MA 02720  
(508) 677-3822  
**Title:** Safety and Health Training Program  
**Category of Applicant:** Private Employer  
**Target Population:** Employees/Employers  
**Geographic Target:** Fall River  
**Program Administrator:** Paula Toland  
**Total Funds Requested:** \$ 8,817.50      **Approved:** \$ 2,074.20      **Score:** 58.0

## APPENDIX M

### Budget Subsidiaries

#### **Subsidiary AA: Regular Employee Compensation**

Includes regular compensation for employees in authorized positions including regular salary, overtime, and other financial benefits. All expenditures for this subsidiary must be made through the payroll system.

#### **Subsidiary BB: Regular Employee Related Expenses**

This subsidiary includes reimbursements to employees and payments on behalf of employees with the exception of pension and insurance related payments. This includes out of state travel (airfare, lodging, other); in state travel; overtime meals; tuition; conference, training, and registration; membership dues, etc.

#### **Subsidiary CC: Special Employees / Contracted Services**

Payments to individuals employed on a temporary basis through contracts as opposed to authorized positions paid through subsidiary AA. Includes contracted faculty; contracted advisory board/commission members; seasonal; student interns, etc. (These employees are generally not eligible for benefits.)

#### **Subsidiary DD: Pension and Insurance-Related Expenditures**

Pension and insurance related expenditure for former and current employees and beneficiaries. Includes retirement, health and life insurance, workers' compensation benefits; medical expenses; universal health insurance charge-back; universal health insurance payments, etc.

#### **Subsidiary EE: Administrative Expenses**

Expenses associated with divisional operations. Includes office and administrative supplies; printing expenses and supplies; micrographic supplies; central reprographic charge-back; postage, telephone, software, data processing; subscriptions and memberships; advertising; exhibits/displays; bottled water.

#### **Subsidiary GG: Energy Costs and Space and Rental Expenses**

Plant operations, space rentals, utilities, and vehicle fuel. Includes fuel for buildings; heating and air conditioning; sewage and water bills, etc.

#### **Subsidiary HH: Consultant Services**

Outside professional services for specific projects for defined time periods, incurred when services are not provided by, or available from state employees. Consultants advise and assist departments but do not provide direct services to clients. Includes accountants; actuaries/statisticians; information technology professionals; advertising agency; arbitrators; architects; attorneys; economists; engineers; health/safety experts; honoraria for visiting speakers; researchers; labor negotiators; management consultants; medical consultants, etc.

#### **Subsidiary JJ: Operational Services**

Expenditures for the routine functioning of the Division. Services are provided by non-employees (individuals or firms) generally by contractual arrangements, except when authorized by statute or regulation. Includes movers; snow removal services; messenger services; law enforcement (detail officer).

#### **Subsidiary KK: Equipment Purchase**

Purchase and installation of equipment. (See LL for equipment lease, repair.) Includes information technology equipment (computers, software); educational equipment (overhead projectors, tape recorders); photocopying equipment, office equipment, etc.

#### **Subsidiary LL: Equipment Lease-Purchase, Lease and Rental, Maintenance and Repair**

Includes expenditures for the lease-purchase, lease, rental, maintenance and repair of equipment. Includes information technology equipment (computers, software); educational equipment (overhead projectors, tape recorders); photocopying equipment, office equipment, etc.

## APPENDIX N

### COLLECTIONS AND EXPENDITURES REPORT - FISCAL YEAR 2005

<b>SPECIAL FUND</b>	<b>FY'05</b>	<b>FY'04</b>	<b>FY'03</b>	<b>FY'02</b>	<b>FY'01</b>
<b><u>COLLECTIONS</u></b>					
INTEREST	350,529	194,200	209,426	342,449	932,637
ASSESSMENT	16,404,375	12,805,486	23,213,608	16,031,304	14,427,829
LESS RET. CHECKS	0	0	0	(2,789)	(9,320)
LESS REFUNDS	(8,658)	0	(20,171)	(258,971)	(332,081)
<b>SUB-TOTAL</b>	<b>16,395,717</b>	<b>12,805,486</b>	<b>23,193,437</b>	<b>15,769,544</b>	<b>14,086,428</b>
FILING FEES	4,336,826	4,166,153	5,264,175	4,254,978	4,431,724
COLLECTION FEE	(36,577)	(32,357)	(21,944)	(23,705)	(18,778)
LESS RET. CHECKS	(6,908)	(3,140)	(6,610)	(2,739)	(1,027)
LESS REFUNDS	(7,119)	(4,837)	(7,480)	(7,325)	(7,368)
<b>SUB-TOTAL</b>	<b>4,286,222</b>	<b>4,125,819</b>	<b>5,228,141</b>	<b>4,221,209</b>	<b>4,404,551</b>
1ST REPORT FINES	315,125	241,890	179,750	333,515	378,050
LESS COLLECTION FEE	(10,318)	(4,642)	(5,798)	(12,460)	(13,100)
LESS RET. CHECKS	(2,100)	0	0	(1,640)	(500)
LESS REFUNDS	0	(100)	(200)	(700)	(200)
<b>SUB-TOTAL</b>	<b>302,707</b>	<b>237,148</b>	<b>173,752</b>	<b>318,715</b>	<b>364,250</b>
STOP WORK ORDERS	303,030	394,207	637,426	393,340	465,961
LESS REFUNDS	0	(600)	(1,750)	(423)	0
LESS BAD CHECKS	(1,300)	(10,638)	(29,962)	(5,250)	(12,208)
COLLECTION FEE	(17,270)	(39,441)	(72,156)	(25,842)	(50,639)
<b>SUB-TOTAL</b>	<b>284,460</b>	<b>343,528</b>	<b>533,558</b>	<b>361,825</b>	<b>403,114</b>
LATE ASSESS. FINES	14,074	20,428	19,574	28,124	36,661
SEC. 7 & 14 FINES	2,000	6,500	5,700	0	
MISCELLANEOUS	37,823	21,685	43,800	56,120	43,472
<b>SUB-TOTAL</b>	<b>53,897</b>	<b>48,613</b>	<b>69,074</b>	<b>84,244</b>	<b>80,133</b>
<b>TOTAL COLLECTIONS</b>	<b>21,673,532</b>	<b>17,754,794</b>	<b>29,407,388</b>	<b>21,097,986</b>	<b>20,271,113</b>
BALANCE BRGT FWD	10,090,768	14,728,736	7,638,265	10,065,860	12,725,215
<b>TOTAL</b>	<b>31,764,300</b>	<b>32,483,530</b>	<b>37,045,653</b>	<b>31,163,846</b>	<b>32,996,328</b>
LESS EXPENDITURES	(22,615,386)	(22,392,762)	(22,316,917)	(23,525,582)	(22,930,468)
<b>BALANCE</b>	<b>9,148,914</b>	<b>10,090,768</b>	<b>14,728,736</b>	<b>7,638,264</b>	<b>10,065,860</b>
<b><u>EXPENDITURES</u></b>					
ORACLE START-UP	0	1,227,305	936,853	2,731,097	
ORACLE SOFTWARE	0				408,754
UNISYS CORP.	0				23,264
ORACLE CONSULTANTS	0				825,000
SUN MICROSYSTEMS	0				4,264
<b>TOTAL</b>	<b>0</b>	<b>1,227,305</b>	<b>936,853</b>	<b>2,731,097</b>	<b>1,261,282</b>
<b><u>REPAYMENT</u></b>					
SALARIES	13,552,369	13,148,258	13,788,158	13,644,820	13,158,744
FRINGE BENEFITS	3,606,371	2,989,091	2,969,507	2,965,931	3,798,264
INDIRECT COSTS	232,262	223,937	405,376	285,004	332,090
NON-PERSONNEL COSTS	5,200,563	4,772,185	4,171,404	3,872,690	4,348,884
IP INDIRECT-EXPENSE	23,821	31,986	45,619	29,528	31,204
ADJUSTMENT				(3,488)	
<b>TOTAL REPAYMENT</b>	<b>22,615,386</b>	<b>21,165,457</b>	<b>21,380,064</b>	<b>20,794,485</b>	<b>21,669,186</b>

**COLLECTIONS AND EXPENDITURES REPORT - FISCAL YEAR 2005**

<b>PUBLIC TRUST</b>	<b>FY'05</b>	<b>FY'04</b>	<b>FY'03</b>	<b>FY'02</b>	<b>FY'01</b>
<b><u>COLLECTIONS</u></b>					
INTEREST	3,604	1,691	2,924	5,376	21,904
ASSESSMENTS	173,786	1,078,719	2,094,687	3,376,503	3,103,066
REFUNDS	0	0	0	(39,494)	
<b>TOTAL ASSESSMENTS</b>	<b>173,786</b>	<b>1,078,719</b>	<b>2,094,687</b>	<b>3,337,009</b>	<b>3,103,066</b>
<b>TOTAL COLLECTIONS</b>	<b>177,390</b>	<b>1,080,410</b>	<b>2,097,611</b>	<b>3,342,385</b>	<b>3,124,970</b>
BALANCE BRGT FWD	503,112	13,010	37,945	56,716	25,572
<b>TOTAL</b>	<b>680,502</b>	<b>1,093,420</b>	<b>2,135,556</b>	<b>3,399,101</b>	<b>3,150,542</b>
LESS EXPENDITURES	0	(590,308)	(2,122,546)	(3,361,156)	(3,093,826)
<b>BALANCE</b>	<b>680,502</b>	<b>503,112</b>	<b>13,010</b>	<b>37,945</b>	<b>56,716</b>
<b><u>EXPENDITURES</u></b>					
RR COLAS	0	584,916	2,106,371	3,249,773	3,023,919
RR SEC. 37	0	5,392	16,175	111,383	69,907
<b>TOTAL EXPENDITURES</b>	<b>0</b>	<b>590,308</b>	<b>2,122,546</b>	<b>3,361,156</b>	<b>3,093,826</b>

<b>PRIVATE TRUST</b>	<b>FY'05</b>	<b>FY'04</b>	<b>FY'03</b>	<b>FY'02</b>	<b>FY'01</b>
<b><u>COLLECTIONS</u></b>					
INTEREST	126,512	107,041	266,311	511,003	1,246,983
ASSESSMENTS	50,919,285	41,932,779	41,155,377	41,651,141	39,778,971
LESS RET. CHECKS	0	0	0	(6,533)	(60,437)
LESS REFUNDS	(26,906)	0	(45,402)	(820,175)	(994,294)
<b>SUB-TOTAL</b>	<b>50,892,379</b>	<b>41,932,779</b>	<b>41,109,975</b>	<b>40,824,433</b>	<b>38,724,240</b>
REIMBURSEMENTS	885,811	639,484	698,536	922,936	547,085
LESS COLLECTION FEE			(220)	(783)	(1,005)
RET. CHECK	(2,225)	(11,650)	(1,000)	(5,290)	(6,193)
REFUNDS	0	0	(15,000)	(519)	(588)
<b>SUB-TOTAL</b>	<b>883,586</b>	<b>627,834</b>	<b>682,316</b>	<b>916,344</b>	<b>539,299</b>
<b>SEC. 31-J. FERNANDEZ</b>					<b>8,068</b>
<b>SEC. 30 H</b>	<b>0</b>	<b>39,322</b>	<b>3,630</b>	<b>3,471</b>	<b>0</b>
<b>TOTAL COLLECTIONS</b>	<b>51,902,477</b>	<b>42,706,976</b>	<b>42,062,232</b>	<b>42,255,251</b>	<b>40,518,590</b>
BALANCE BRGT FWD	11,685,006	16,304,121	22,394,085	23,172,956	18,724,712
<b>TOTAL</b>	<b>63,587,483</b>	<b>59,011,097</b>	<b>64,456,317</b>	<b>65,428,207</b>	<b>59,243,302</b>
LESS EXPENDITURES	(49,969,164)	(47,324,567)	(48,152,196)	(43,034,125)	(36,070,345)
<b>BALANCE</b>	<b>13,618,319</b>	<b>11,686,530</b>	<b>16,304,121</b>	<b>22,394,082</b>	<b>23,172,957</b>

**COLLECTION AND EXPENDITURE REPORT - FISCAL YEAR 2005**

<b>PRIVATE TRUST</b>	<b>FY'05</b>	<b>FY'04</b>	<b>FY'03</b>	<b>FY'02</b>	<b>FY'01</b>
<b><u>EXPENDITURES</u></b>					
RR SEC. 34	1,078,481	880,289	696,301	496,677	732,945
RR SEC. 35	301,736	235,072	243,633	291,047	297,577
RR LUMP SUM	1,651,369	877,951	749,968	1,462,143	699,231
RR SEC. 36	247,314	363,636	184,359	184,054	39,953
RR SEC. 31	100,386	106,257	69,226	71,502	281,105
RR SEC. 34, PERM. TOTAL	290,558	287,762	311,716	305,627	265,364
RR SEC.31-J. FERNANDEZ					8,068
RR COLA ADJ	152,639	149,555	175,618	167,841	137,101
RR EE MEDICAL	104,327	63,848	38,453	48,593	44,634
RR EE TRAVEL	3,920	673	84	0	0
RR EE MISC. EXPENSE	0	0	550	0	0
RR BURIAL BENEFITS	0	0	1,969	4,000	0
RR LEGAL FEES	471,698	310,903	296,840	408,008	256,360
RR LEGAL EXPENSES				23,815	22,777
RR LEGAL MISC. / OTHER				6,384	2,141
RR VOC. REHAB SERVICES	1,400	2,149	6,927	4,442	4,837
RR REHAB. SERV. TRAVEL	0	26	0	64	98
RR LABOR MARKET STUDY	0	0	7,000	7,000	11,093
RR REHAB (PRIOR YEAR)	1,768	0	406	6	2,925
RR MEDICAL	1,328,010	1,097,087	994,132	1,222,572	406,344
RR MEDICAL RECORDS				567	1,853
RR WELFARE LIENS	0	0	0	93,728	88,403
<b>SUB-TOTAL RR</b>	<b>5,733,606</b>	<b>4,375,208</b>	<b>3,777,182</b>	<b>4,798,070</b>	<b>3,302,809</b>
<b>MM TUITION</b>	<b>0</b>	<b>0</b>	<b>2,085</b>	<b>1,140</b>	<b>0</b>
<b>SUB-TOTAL CLAIMANTS</b>	<b>5,733,606</b>	<b>4,375,208</b>	<b>3,779,267</b>	<b>4,799,210</b>	<b>3,302,809</b>
<b><u>INSURERS</u></b>					
RR COLAS	14,948,170	18,110,397	17,809,263	15,835,070	15,325,146
RR SEC. 19 COLA LUMP SUM	1,094,044	1,111,415	1,021,639	1,203,306	1,026,126
RR SHELBY CLAIMS	0	0	0	0	86,033
RR LATENCY SEC. 35C	293,542	899,231	1,377,046	1,173,347	950,567
RR LEGAL FEE SEC. 35		141,588	266,943	186,357	172,111
RR LEGAL EXP. SEC. 35				1,800	860
RR SEC. 37	19,836,350	19,733,766	19,863,605	16,719,602	12,782,757
RR SEC. 37 QUARTERLY	5,421,404				
<b>SUB-TOTAL INSURERS</b>	<b>41,593,510</b>	<b>39,996,397</b>	<b>40,338,496</b>	<b>35,119,482</b>	<b>30,343,600</b>
<b>TOTAL LEGAL</b>	<b>47,327,116</b>	<b>44,371,605</b>	<b>44,117,763</b>	<b>39,918,692</b>	<b>33,646,409</b>
<b><u>OEVR</u></b>					
JJ IME CORP.		0	0	0	0
MM TUITION	36,694	24,071	16,848	15,448	7,728
RR PRIOR YEAR REHAB	1,645				
RR REHAB-30H	13,173	12,670	4,879	12,989	5,528
RR TRAVEL REHAB	0	290	151	0	112
RR EE TRAVEL	2,015	1,708	1,226	2,620	810
RR EE BOOKS & SUPPLIES	3,483	1,331	1,788	1,742	354
<b>SUB-TOTAL OEVR</b>	<b>57,010</b>	<b>40,070</b>	<b>24,892</b>	<b>32,799</b>	<b>14,532</b>
<b>TOTAL PRIVATE TRUST</b>	<b>49,969,164</b>	<b>47,324,567</b>	<b>48,152,196</b>	<b>43,034,125</b>	<b>36,070,345</b>

**COLLECTION AND EXPENDITURE REPORT - FISCAL YEAR 2005**

<b>EXPENDITURES DEFENSE OF THE FUND</b>	<b>FY'05</b>	<b>FY'04</b>	<b>FY'03</b>	<b>FY'02</b>	<b>FY'01</b>
AA PERSONNEL	1,018,958	1,418,182	1,569,972	1,405,120	1,147,577
AA OVERTIME	4,067	3,899	2,386	0	0
<b>SUB-TOTAL</b>	<b>1,023,025</b>	<b>1,422,081</b>	<b>1,572,358</b>	<b>1,405,120</b>	<b>1,147,577</b>
BB TRAVEL	5,504	5,796	7,384	7,252	9,322
BB TRAINING/TUITION	0	2,455	2,200	3,009	6,186
BB EMPLOYEE REIMBURS	341	532	55	0	156
BB PRIDE & PERFORMANCE	0	0	201	0	390
BB MANAGER TRAINING				1,000	
<b>SUB-TOTAL</b>	<b>5,845</b>	<b>8,783</b>	<b>9,840</b>	<b>11,261</b>	<b>16,054</b>
<b>CC LAW CLERKS</b>				<b>0</b>	<b>12,128</b>
DD FRINGE	273,755	325,898	338,370	303,759	328,866
DD UNIVERSAL HEALTH	269	243	304	8,079	0
DD MEDICARE	10,144	8,881	10,956	293	0
DD UNEMPLOYMENT	3,118	2,774	2,060	1,260	2,295
DD BOND		0	0	310	62
DD WORKERS' COMP CHRG.	23,411	0	335	19,234	1,321
<b>SUB-TOTAL</b>	<b>310,697</b>	<b>337,796</b>	<b>352,025</b>	<b>332,935</b>	<b>332,544</b>
EE RENTAL/MV CHRG-BACK	681	1,431	2,173	1,703	0
EE DEST. OLD RECORDS	0	5,541	5,293		
EE ADVERTISING		0	54	0	0
EE BOOKS/SUPPLIES	19,678	66,147	32,881	36,887	28,971
EE IMPARTIAL APPEALS	13,175	5,625	11,650	5,600	5,950
EE CENTRAL REPRO.	0	0	0	222	0
EE OMIS CHARGEBACK	0	0		6,648	0
EE SEC. 37 INTEREST		0	0	0	46,344
EE VERIZON SERVICES	17,110	8,066	4,904		
EE BELL ATLANTIC		0	2,700		
EE NEW ENG. TEL.		0	2,830		
EE MOBILE PHONES				3,712	1,448
EE AT&T					5,695
EE TELEPHONE & FAX	0	2,754	2,224	4,577	0
EE POSTAGE	21,334	3,235	23,375	3,039	13,000
EE MCI TELEPHONE					1,242
EE QUEST COMM.	0	0	0	810	
EE STATE BOOK STORE	0	0	264		
EE REFRESHMENTS	0	673	0	594	
EE ITT COMPUTER SERV.	14,004	9,552	10,341	0	0
EE WATER	0	930	864	1,367	
EE MCAD SEMINAR	0	1,400			
EE NEXTELL	4,983				
EE TRAINING	3,654				
EE JUDGEMENT (E54)	43,836				
EE INDIRECT COSTS	25,952	31,435	89,017	42,493	39,296
<b>SUB-TOTAL</b>	<b>164,407</b>	<b>136,789</b>	<b>188,570</b>	<b>107,652</b>	<b>141,946</b>

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**COLLECTION AND EXPENDITURE REPORT - FISCAL YEAR 2005**

<b>EXPENDITURES DEFENSE OF THE FUND</b>	<b>FY'05</b>	<b>FY'04</b>	<b>FY'03</b>	<b>FY'02</b>	<b>FY'01</b>
GG BOSTON LEASE	470,156	348,342	322,676	293,687	146,846
GG ELECTRICITY	10,268	5,484	2,859	5,432	3,300
<b>SUB-TOTAL</b>	<b>480,424</b>	<b>353,826</b>	<b>325,535</b>	<b>299,119</b>	<b>150,146</b>
HH CONSULTANTS	276,713	425,783	1,449,826	798,586	400,493
<b>SUB-TOTAL</b>	<b>276,713</b>	<b>425,783</b>	<b>1,449,826</b>	<b>798,586</b>	<b>400,493</b>
JJ OPERATIONAL SERV.	292,525	174,137	76,237	87,584	106,575
<b>SUB-TOTAL</b>	<b>292,525</b>	<b>174,137</b>	<b>76,237</b>	<b>87,584</b>	<b>106,575</b>
KK EQUIPMENT	5,580	23,813	294	3,036	63,010
<b>SUB-TOTAL</b>	<b>5,580</b>	<b>23,813</b>	<b>294</b>	<b>3,036</b>	<b>63,010</b>
LL PAGE NETWORK				0	52
LL XEROX	7,187	3,799	3,024	4,524	4,448
LL ORACLE	13,335	13,336	8,891	0	0
LL SIMPLEX	245	245	0	0	0
LL FAIRCHILD	2,138	3,256	2,153	2,870	2,929
LL PITNEY BOWES	1,272	625	101	912	681
LL IKON	0	465	493	778	976
LL SUN	0	2,100	0	6,853	7,829
LL RETROFIT	903	6,058	3,514	4,037	5,652
LL COMMAIR		0	348		
LL CAM OFFICE SERV	0	0	74		
LL PYRAMID			16,164	16,164	16,164
LL CONGRESS ALARM	0		94	140	
LL MILLENNIUM MECHAN	742				
LL RICOH	0	0	0	63	
<b>SUB-TOTAL</b>	<b>25,822</b>	<b>29,884</b>	<b>34,856</b>	<b>36,341</b>	<b>38,731</b>
RR PENALTIES SEC. 8	0	0	0	1,000	200
<b>SUB-TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1,000</b>	
<b>TOTAL DEFENSE OF FUND</b>	<b>2,585,038</b>	<b>2,912,892</b>	<b>4,009,541</b>	<b>3,082,634</b>	<b>2,409,404</b>
<b>TOTAL EXPENDITURES</b>	<b>52,554,202</b>	<b>50,237,459</b>	<b>52,161,737</b>	<b>46,116,759</b>	<b>38,479,749</b>

## APPENDIX O

### Workers' Compensation Legislation

*Before the Joint Committee on Workforce & Development  
2005-2006 Legislative Session*

#### HOUSE BILLS:

**HOUSE BILL 1594**

**Filed By:** Rep. Martin J. Walsh, AFL-CIO

**Type of Bill:** Refile

**Endorsed by Advisory Council:** No

**Laws Affected:** Comprehensive Bill (c.152, §1(7A), §13, §14, §30, §34, §35, §36, §46A)

Section 1 of this refiled bill (formerly H.498) would amend Section 1(7A) by allowing administrative judges to consider the employee's pre-injury employment when determining predominant cause of disability.

Section 2 would amend Section 13 setting the medical payment rate at no less than 80% of the usual and customary fee for any such health care service.

Section 3 would clarify Section 14(1) providing penalties against an insurer who refuses to pay medical benefits without reasonable grounds.

Section 4 would amend Section 30 allowing an emergency conference before an administrative judge to determine if an injured worker is entitled to medical treatment.

Sections 5 and 6 would amend Section 30 by limiting utilization review to five of "the most common industrial injury or illnesses." This change would limit the utilization review process to the most frequent care given to injured workers. Failure for an insurance company to comply with utilization review time guidelines would result in said treatments to "be deemed approved."

Section 7 would increase wage benefits for injured workers under §34 by restoring the amount to 2/3 of an employee's average weekly wage.

Section 8 would amend Section 35 by adding additional circumstances under which an administrative judge may extend the number of weeks under §35 (partial disability) benefits. These additional conditions are that the injured worker has returned to employment pursuant to an Individual Written Rehabilitation Plan under Section 30(H), has been found unsuitable for vocational rehabilitation by the OEVR, has returned to work at less than their pre-injury AWW, or has a permanent partial incapacity.

Section 9 would eliminate the requirement that scar-based disfigurement appear on the face, neck or hands to be compensable. This would require compensation for all disfigurement, whether or not scar-based, regardless of its location on the body. Section 36(k) was amended by Chapter 398 to limit payments for purely scar-based disfigurement by requiring benefits only when the disfigurement is on the face, neck, or hands.

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Section 10 would amend Section 46A by requiring an injured workers general health insurance carrier (if they have one) to cover all medical expenses of the injured worker until the workers' compensation insurer is ordered to pay a disputed claim. Currently, there is no language requiring a health insurance provider to cover these costs.

**HOUSE BILL 1595**

**Filed By:** Rep. Martin J. Walsh

**Type of Bill:** Refile

**Endorsed by Advisory Council:** No

**Laws Affected:** Scar-Based Disfigurement (c.152, §36(k)), Burial Expenses (§33), Extension of Partial Incapacity Benefits (§35).

Section 1 of this refiled bill (formerly H.1241) would eliminate the requirement that scar-based disfigurement appear on the face, neck or hands to be compensable. This would require compensation for all disfigurement, whether or not scar-based, regardless of its location on the body. Section 36(k) was amended by Chapter 398 to limit payments for purely scar-based disfigurement by requiring benefits only when the disfigurement is on the face, neck, or hands. Under this bill, compensation could not exceed the average weekly wage in the Commonwealth (at time of injury) multiplied by 29 (\$918.78 x 29 = \$26,644.62). Currently, the statute states that scar-based disfigurement compensation cannot exceed \$15,000.

Section 2 would require an insurer to pay for burial expenses when a worker has died, not to exceed eight thousand dollars. Currently, the statute requires the insurer to pay reasonable expenses of burial, not to exceed four thousand dollars.

Section 3 would amend Section 35 by adding additional select circumstances under which an administrative judge may extend the number of weeks under §35 (partial disability) benefits from 260 weeks to 520 weeks. These additional conditions are that the injured worker has returned to employment pursuant to an Individual Written Rehabilitation Plan, has been found unsuitable for vocational rehabilitation, has returned to employment at less than his pre-injury average weekly wage, or has a permanent partial incapacity.

**HOUSE BILL 1596**

**Filed By:** Rep. Patricia A. Walrath

**Type of Bill:** Refile

**Endorsed by Advisory Council:** No

**Laws Affected:** Exemption of Non-Profit Entities (c.152, §1)

This refiled bill (formerly H.305) would amend the word “employer” as not including: “nonprofit entities, as defined by the Internal Revenue Code, that are staffed by volunteers, board members, directors, and paid employees.” This would make the requirement of obtaining workers’ compensation insurance elective for said employers. Current law only exempts nonprofit entities that are exclusively staffed by volunteers.

**HOUSE BILL 1597****Filed By:** Rep. Lewis G. Evangelidis**Type of Bill:** Refile**Endorsed by Advisory Council:** No**Laws Affected:** Continuation of Temporary Total Benefits (c.152, §34)

This refiled bill (formerly S.28) would extend the benefits for injuries compensable under section 34 (temporary total) assuming there has been no discontinuance or modification order of an administrative judge. Currently, §34 benefits are equal to 60% of the injured worker's average weekly wage and are limited in duration to 156 weeks. House 1597 would allow an injured worker to receive additional benefits upon the exhaustion of their §34 benefits. This additional compensation would be equal to 45% of their average weekly wage "pursuant to section 35." The maximum benefits period for §35 injuries is 260 weeks, but may be extended to 520 weeks.

**HOUSE BILL 1598****Filed By:** Rep. Lewis G. Evangelidis**Type of Bill:** Refile**Endorsed by Advisory Council:** No**Laws Affected:** Workers' Compensation Dependency Benefits (c.152, §35A)

This refiled bill (formerly S.29) would amend §35A, which provides additional compensation to injured workers who have dependents. Currently, §35A provides additional compensation of \$6 per/week to injured workers who have persons dependent upon them for injuries occurring under §34, §34A, and §35. No weekly payments under this section can be greater than \$150 per week when combined with the compensation due under §34, §34A, and §35. House 1598 would provide injured workers additional compensation of \$15 per/week to injured workers who had persons dependent upon them. This bill would also cap weekly payments at \$300 when combined with the compensation due under §34, §34A, and §35.

The amount of \$6 per dependent per week has not increased since a 1959 amendment to the Act. The current cap of \$150 per week has not been increased since 1979.

**HOUSE BILL 1599****Filed By:** Rep. Eugene L. O'Flaherty**Type of Bill:** Refile**Endorsed by Advisory Council:** No**Laws Affected:** Attorney's Fees (c.152, §13A(10)), Agreements to Pay Benefits (§19), Temporary Total Disability (§34), Permanent and Total Incapacity (§34A)

Section 1 of this refiled bill (formerly H.670 and S.47) would allow attorneys to collect fees for advancing an employee's rights under §75A (preferential hiring of injured workers) and §75B (protections against handicap discrimination), in addition to any attorney's fees owed under §13A.

Section 2 of this bill adds two new subsections to §19. It would allow any administrative judge, administrative law judge or conciliator to approve any agreement to pay benefits authorized by §19. It would also allow an agreement to include a pay without prejudice clause.

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Section 3 of this bill would amend §34 and require the insurer to pay the injured employee 60% of his average weekly wage (AWW) before the injury, but not more or less than the maximum or minimum weekly compensation rate, if the injury is considered total. If the AWW were found to be less than the minimum weekly compensation rate, it would then be increased to equal the AWW.

Section 4 of this bill would amend §34A and require the insurer to pay the injured employee two-thirds of his AWW before the injury, but not more or less than the maximum or minimum weekly compensation rate if the injury is considered permanent and total. If the AWW were found to be less than the minimum weekly compensation rate, it would then be increased to equal the AWW.

**HOUSE BILL 1600**

**Filed By:** Rep. Eugene L. O'Flaherty

**Type of Bill:** Refile

**Endorsed by Advisory Council:** No

**Laws Affected:** Appointment of Impartial Physicians (c.152, §9C), Impartial Exams (§11A).

Section 1 of this refiled bill (formerly H.673) would create a new section (§9C) to allow an AJ or ALJ to appoint an impartial physician to examine and report on a claimant's condition prior to a conference or hearing. [Currently, under §8(4), an impartial physician can be requested at the conference stage only at the request of the insurer after the 180-day pay without prejudice period has expired.]

This bill also replaces language for §11A on impartial exams. It would remove the c.398 requirement that an impartial exam be conducted whenever "a dispute over medical issues is the subject of a conference order." Under this bill, appointment of an impartial physician would be at the discretion of the AJ or ALJ. It also requires that the report indicate whether employment is the predominant contributing cause for mental or emotional disability.

This bill would expand the role of the impartial physician by requiring that the physician make a determination about causation, whether or not the determination can be made with a reasonable degree of medical certainty. Moreover, the causation standard would change from whether the work-related injury was the "major or predominant contributing cause" of the disability, to whether the work-related injury was "probably caused or was contributing cause" of the disability. The standard would therefore be eased.

The report from §9C must be entered into evidence at the hearing, and the current requirement that it be treated as *prima facie* evidence is eliminated. This means that the impartial report must not be the only medical evidence presented to the AJ, but that medical evidence from the employee's treating physician and insurer reports may be entered as well. The deposing party would pay the fee for any deposition. However, if the decision of the AJ is in favor of the employee, the cost of the deposition would be added to the amount awarded to the employee.

**HOUSE BILL 1601****Filed By:** Rep. Eugene L. O'Flaherty**Type of Bill:** Refile**Endorsed by Advisory Council:** No**Laws Affected:** Definition of Average Weekly Wage (c.152, §1(1)), Return to Work - Attorney Fees (§13A(4)), Eliminate Consideration of Offers at Conciliation (§13A(4))

Section 1 of this refiled bill (formerly H.671) addresses injured employees who return to work (without a lump sum settlement) and receive wages that are less than the pre-injury wages. This bill would apply the prior average weekly wage to any subsequent period of incapacity, whether or not such incapacity was the result of a new injury, or subsequent injury as set forth in §35B.

Section 2 of this bill would eliminate consideration of the last best offer in awarding attorney's fees when the insurer files for discontinuance of benefits or refuses initial payment. Currently, the claimant's attorney is only entitled to payment if the administrative judge accepts the offer of the claimant or the amount submitted by the conciliator.

**HOUSE BILL 1602****Filed By:** Rep. Robert P. Spellane**Type of Bill:** Refile**Endorsed by Advisory Council:** No**Laws Affected:** Serious and Willful Misconduct (c.152, §27) - Intoxication, Unlawful Use of a Controlled Substance

This refiled bill (formerly H.2930) would amend §27 by barring workers' compensation benefits to employees who are injured while intoxicated or while using an illegal controlled substance as defined in §1 of Chapter 94C. Currently, §27 bars workers' compensation benefits to employees injured as a result of "serious and willful misconduct."

**HOUSE BILL 1603****Filed By:** Rep. Robert P. Spellane**Type of Bill:** Similar**Endorsed by Advisory Council:** No**Laws Affected:** Insurance Rates – Loss Cost - Competition (c.152, §53A)

This bill (similar to H.3293 filed last session) would change how workers' compensation rates are determined in Massachusetts. Currently, the Commonwealth uses a system of "Administered Pricing" in which the Commissioner of Insurance makes the final determination in establishing workers' compensation rates per job classification.

Under House Bill 1603, workers' compensation insurance rates would be determined under a "Loss-Cost System." Similar to the current law, insurers would submit all their loss data to a designated rating organization (WCRIB) and would adhere to a uniform classification system. Instead of a rate hearing, the Commissioner of Insurance would hold a loss-cost hearing in which the WCRIB would submit a loss cost filing for each classification (e.g. roofers, clerical workers). "Loss Costs" are the historical aggregate data and loss adjustment expenses, developed and trended for each classification and is expressed as a dollar amount per \$100 of payroll. For

example, the loss cost for a "roofer" might be \$6.00 and for a "clerical worker" \$.90.

Following the Commissioner's approval of a loss-cost filing, each carrier would submit to the State Rating Bureau a "loss cost multiplier (LCM)" filing. This LCM takes into account the carriers expenses other than LAE, such as overhead, acquisition, marketing, profit, etc. Upon approval of this filing, LCM's would be multiplied by the loss cost to determine the final rate.

$$\text{RATE} = \text{LOSS COST} \times \text{LCM}$$

[Example: If the loss cost for a roofer is \$6 and the carrier's LCM for roofers is 1.4 then the rate will be \$6 x 1.4 or \$8.40 per \$100 of payroll. If the loss cost for a clerical worker was \$.90 and the LCM for clerical workers was .90, the rate will be \$.90 x .90 or \$.81 per \$100 of payroll.]

The Advisory Council's involvement in the rate process would remain limited in scope, allowing for the presentation of written and oral testimony relating to any issues which may arise during the course of the hearing.

A safety mechanism has been included in this legislation which would allow the Commissioner of Insurance to hold a "Market Competition Hearing" if the market were deemed unhealthy or non-competitive. In this event the Commissioner would have the authority to revert the market to a temporary system of administered pricing.

#### **HOUSE BILL 1604**

**Filed By:** Rep. John H. Rogers

**Type of Bill:** Similar

**Endorsed by Advisory Council:** No

**Laws Affected:** Workers' Compensation Reinsurance Pool (c.152, §65C)

House Bill 1604 (similar to H.3482 and H.4552) would require the Workers' Compensation Rating & Inspection Bureau (WCRIBM) to initiate a cost containment pilot project during 2006 whereby Third Party Administrators (TPAs) would service claims for policies within the Assigned Risk Pool. The bill states that the pilot project would attempt to reduce losses and introduce competition and innovation into the Assigned Risk Pool.

Currently, employers in Massachusetts who are unable to obtain workers' compensation insurance in the voluntary market can obtain coverage through a reinsurance pool known as the "Assigned Risk Pool." Nearly 60% of the total written Pool premium is assigned to 10 Voluntary Direct Assignment Carriers (VDAC). The VDACs handle the claims administration and are personally responsible for any losses on these policies. The remaining 40% of Pool premium is issued among three designated servicing carriers whereby losses are distributed among the remaining members of the Pool.

Last Legislative Session, the Governing Committee of the WCRIBM unanimously opposed a similar bill. Specifically, the Governing Committee believed that because TPAs have no vested interest in the costs or health of the Pool, injured employees could be put at risk for receiving poor claim service, thereby increasing an employer's premium. The Governing Committee stated that carriers in Massachusetts already have built-in incentives to provide quality service since they must collectively participate in the Pool burden, pay premium taxes, pay assessments to support the state's Insolvency Fund, the Insurance Fraud Bureau, the State Rating Bureau, and the Attorney General's Office.

**HOUSE BILL 1605****Filed By:** Rep. Peter J. Larkin**Type of Bill:** Refile**Endorsed by Advisory Council:** No**Laws Affected:** Lump Sum Settlements (c.152, §48) - Limits on Agreements

This refiled bill (formerly H.2388) would limit when a lump sum agreement can discharge an employee's right to payment of future benefits. Under this proposed legislation, no lump sum agreement could be entered into or approved unless:

1. the employee has returned to work for at least 6 months, earning at least 75% of his/her pre-injury wage;
2. survivor benefits are claimed under §31;
3. the employee is determined by the AJ to be permanently and totally disabled;
4. or the employee becomes a domiciliary of another state.

**HOUSE BILL 1606****Filed By:** Rep. Antonio Cabral**Type of Bill:** Refile**Endorsed by Advisory Council:** YES (2003-2004)**Laws Affected:** Benefits for Specific Injuries (c.152, §36(k)) - Scar-Based Disfigurement

This refiled bill (formerly H.2382) would eliminate the requirement that scar-based disfigurement appear on the face, neck or hands to be compensable. This would require compensation for all disfigurement, whether or not scar-based, regardless of its location on the body. Section 36(k) was amended by Chapter 398 to limit payments for purely scar-based disfigurement by requiring benefits only when the disfigurement is on the face, neck, or hands. House Bill 1606 would not affect the \$15,000 maximum benefit for scar-based disfigurement currently in the statute.

**HOUSE BILL 1607****Filed By:** Rep. Antonio Cabral**Type of Bill:** Refile**Endorsed by Advisory Council:** No**Laws Affected:** Lump Sum Settlements (c.152, §48) - Approval

This refiled bill (formerly H.2381) would require the insurer to notify an employer, with an experience modified policy, of any lump sum agreement, allowing the employer to attend any proceeding in which a lump sum is being presented for approval before their employee. Currently, insurance companies are not required to notify the employer of lump sum activity.



**HOUSE BILL 3123****Filed By:** Rep. Ronald Mariano**Type of Bill:** Similar**Endorsed by Advisory Council:** No**Laws Affected:** Third Party Lawsuits (§15) - Protecting Employee Leasing Companies (§14A)

Section 1 of this bill (similar to S.72 and S.88) would clarify that an injured worker is barred from filing a third party lawsuit against an insured Employee Leasing Company or its client company if both are in compliance with Chapter 152. Currently, under §15, injured employees may sue third parties if a compensable injury was "caused under circumstances creating a legal liability in some person other than the insured to pay damages." This protection of Employee Leasing Companies and their client companies under the "exclusive remedy" provision would not apply to temporary staffing agencies. A recent Superior Court Case held that a client company was not protected by the exclusive remedy provision from a leased employee who brought a suit against them [*Margolis v. Charles Precourt & Sons, Inc.* - 6/7/99].

Section 2 of this bill would require the Commissioner of Insurance to establish regulations requiring Employee Leasing Companies to be the workers' compensation policyholder of employees leased to client companies. This section of the bill is unnecessary as the Commissioner of Insurance has already established regulations requiring Employee Leasing Companies to insure its employees leased to other entities [211 CMR 111.00].

**HOUSE BILL 3757****Filed By:** Rep. Martin J. Walsh**Type of Bill:** Refile**Endorsed by Advisory Council:** YES (2003-2004: "in concept")**Laws Affected:** Private Right of Action to Recover WC Coverage Payments (c.152, §25C)

This refiled bill (formerly H.2205) would allow a minimum of 10 people to bring a civil action against an employer to recover amounts which should have been paid in securing proper workers' compensation insurance as mandated by Chapter 152. Such a person seeking civil action could petition either the Attorney General's Office, the Commissioner of Insurance, or a superior court to hold a "probable cause hearing." At the hearing, it shall be *prima facie* evidence that such probable cause exists if it is shown that:

- an employee was paid any portion of wages in cash with no deductions or taxes withheld;
- no accompanying pay slip showing the wage payment and deductions as required by law;
- an individual was misclassified as an independent contractor when actually an employee;
- wages were not timely paid;
- the employer failed to withhold from the employee's wages all related state taxes; or
- employees have not been properly reported on certified payroll records as required by law.

On suits brought forth by private citizens, the majority of the damages would be deposited into the DIA's Trust Fund. Insurance carriers would be able to recover the full amount of the award in situations where they obtain court approval to replace the private citizens in the lawsuit.

**HOUSE BILL 3776****Filed By:** Rep. Martin J. Walsh**Type of Bill:** NEW**Endorsed by Advisory Council:** No**Laws Affected:** Rate of Payment by Insurers for Health Care Services (c.152, §13)

This new bill would empower Administrative Judges to determine the rate of payment for health care services "if the insurer, employer and health care service provider cannot agree or if equity of justice requires a rate other than so provided."

Currently, the Division of Health Care Finance and Policy (DHCFP) regulates the rates of payment (fee schedule) for hospitals and health care providers rendering services covered by insurers under the Workers' Compensation Act. The fee schedule is subject to a regulatory proceeding ensuring a public process through which rate setting is established. Although rate negotiation is common, the rates that are set by the DHCFP are the only amount that an insurer is required to pay.

**HOUSE BILL 3777****Filed By:** Rep. Martin J. Walsh**Type of Bill:** Similar**Endorsed by Advisory Council:** No**Laws Affected:** Termination or Modification of Payments (c.152, §8,) - Impartial Medical Exams (c.152, §11A,)

Section 1 of this bill (similar to S.76) would amend an insurer's right to modify or terminate the payment of benefits. Under current law, an insurer paying benefits can only modify or discontinue payments under specific circumstances. One of these circumstances is when the insurer has possession of a medical report from either the treating or impartial medical examiner indicating that the employee is capable of returning to the job held at the time of injury or another suitable job. House Bill 3777 would eliminate the "impartial medical examiner report" from these specific circumstances.

Section 2 of this bill would amend §8(4) involving the insurer's right to request an Impartial Medical Exam (IME) when the dispute is over medical issues. Under current law, when an insurer requests an IME, the Senior Judge is responsible for appointing an impartial physician. House Bill 3777 would require the Administrative Judge, to which the case has been assigned, to appoint the impartial physician. This section of the bill would also diminish the weight given to the IME report thereby allowing the parties to submit other medical evidence at a hearing.

Section 3 of this bill would amend §11A involving the necessity to obtain an IME when a conference order is appealed. Under current law, the parties may agree upon an impartial physician, or the Senior Judge will assign one. This bill requires the Administrative Judge to appoint the impartial physician. This section of the bill would also diminish the weight given to the IME report thereby allowing the parties to submit other medical evidence at a hearing. Under current law, once a case is brought before an Administrative Judge at a hearing, the impartial physician's report is the only medical evidence that can be presented. Any additional medical testimony is inadmissible, unless the judge determines the report to be "inadequate" or that there is considerable "complexity" of the medical issues that could not be fully addressed by the report. The 1991 reforms were designed to solve the problem of "dueling doctors," which frequently resulted in the submission of conflicting evidence by employees and insurers.

**HOUSE BILL 3778****Filed By:** Rep. Eugene L. O'Flaherty**Type of Bill:** Similar**Endorsed by Advisory Council:** No**Laws Affected:** Rate of Reimbursement - Health Care Services (c.152, §13)

This bill (similar to H.672) deletes the current language in §13 and replaces it with simpler language. This legislation states that the Rate Setting Commission (now called Division of Health Care Finance & Policy) must establish the maximum reimbursement rates for hospitalization and all other health care services, and that no insurer may be held liable for any charge greater than those established rates. This proposed legislation would eliminate the ability for insurers and medical providers to negotiate rates. It would also remove the "regardless of setting" provision thereby allowing hospitals to set rates higher than non-hospital facilities. Furthermore, it would remove the requirement that providers sign bills with their license numbers, and the removal of the adherence to federal "safe harbor" regulations. All provisions regarding treatment protocols, utilization review and the establishment of the Health Care Services' Board would be deleted.

## **SENATE BILLS:**

**SENATE BILL 1087****Filed By:** Senator Robert S. Creedon, Jr.**Type of Bill:** New**Endorsed by Advisory Council:** No**Laws Affected:** Temporary Total Benefits (c.152, §34) - Increase

This new bill would increase the weekly compensation rate for total incapacity (§34) benefits. Compensation would increase from the current 60% to 2/3 of their average weekly wage. If the recipient of §34 benefits earned less than the minimum weekly compensation rate, their benefit would be increased to the minimum weekly compensation rate. Senate 1087 would also extend the duration of §34 benefits from the current 156 weeks to 208 weeks.

**SENATE BILL 1088****Filed By:** Senator Robert S. Creedon, Jr.**Type of Bill:** Similar**Endorsed by Advisory Council:** No**Laws Affected:** Lump Sum Agreements (c.152, §48)

This bill (similar to H.2650 filed in the 2001-2002 legislative session) would remove the requirement for an experienced modified employer to provide written consent of a lump sum settlement. Under this bill, an employer would have the right to appear and be heard if they object to the proposed lump sum settlement.

**SENATE BILL 1089****Filed By:** Senator Robert S. Creedon, Jr.**Type of Bill:** Similar**Endorsed by Advisory Council:** No**Laws Affected:** Scar-Based Disfigurement (c.152, §36(k))

This bill (similar to H.2382) would eliminate the requirement that scarring appear on the face, neck or hands to be compensable. However, if the scarring resulted from a surgical or medical procedure, no amount would be payable unless such disfigurement occurred on the face, neck or hands. This bill would not affect the \$15,000 maximum benefit for scar-based disfigurement currently in the statute.

**SENATE BILL 1095****Filed By:** Senator John A. Hart, Jr. and Rep. Martin J. Walsh**Type of Bill:** Refile**Endorsed by Advisory Council:** YES (2003-2004)**Laws Affected:** Scar-Based Disfigurement (c.152, §36(k))

This refiled bill (formerly S.49) would eliminate the requirement that scar-based disfigurement appear on the face, neck or hands to be compensable. Compensation would be required for all disfigurement, whether or not scar-based, regardless of its location on the body. This bill would not affect the \$15,000 maximum benefit for scar-based disfigurement currently in the statute. In 1991, section 36(k) was amended by chapter 398 to limit payments for purely scar-based disfigurement by requiring benefits only when the disfigurement is on the face, neck, or hands.

**SENATE BILL 1097****Filed By:** Senator John A. Hart, Jr., Rep. Martin J. Walsh, Rep. William C. Galvin**Type of Bill:** Refile**Endorsed by Advisory Council:** No**Laws Affected:** Widow's Benefits (c.152, §35C, 32, 31)

This refiled bill (formerly a Senate amendment to the FY'05 Budget) would significantly alter the definition of the "average weekly wage" exclusively for Section 35C cases (latency claims). If passed, this legislation would directly affect a recent decision by the State Supreme Judicial Court (Joseph V. McDonough's Case).

According to the SJC's decision in the *McDonough's Case*, the widow of an employee who died as a result of past asbestos exposure is not entitled to receive compensation under Section 35C since the deceased had voluntarily retired in 1991 and was not receiving wages on the date of his death. Section 35C clearly states that "[w]hen there is a difference of five years or more between the date of injury and the initial date [of] eligib[ility] for benefits under section thirty-one...the applicable benefits shall be those in effect on the first date of eligibility for benefits."

The Workers' Compensation Trust Fund is responsible for reimbursing insurers for certain payments made for Section 35C latency claims. In Fiscal Year 2003, the Trust Fund reimbursed insurers for approximately **\$1,189,898** in latency claims.

**SENATE BILL 1098****Filed By:** Senator John A. Hart, Jr.**Type of Bill:** Refile**Endorsed by Advisory Council:** No**Laws Affected:** Attorney's Fees (c.152, §13A(10)), Agreements to Pay Benefits (§19), Temporary Total Disability (§34), Permanent and Total Incapacity (§34A)

Section 1 of this refiled bill (formerly H.670 and S.47) would allow attorneys to collect fees for advancing an employee's rights under §75A (preferential hiring of injured workers) and §75B (protections against handicap discrimination), in addition to any attorney's fees owed under §13A.

Section 2 of this bill adds two new subsections to §19. It would allow any administrative judge, administrative law judge or conciliator to approve any agreement to pay benefits authorized by §19. It would also allow an agreement to include a pay without prejudice clause.

Section 3 of this bill would amend §34 and require the insurer to pay the injured employee 60% of his average weekly wage (AWW) before the injury, but not more or less than the maximum or minimum weekly compensation rate, if the injury is considered total. If the AWW were found to be less than the minimum weekly compensation rate, it would then be increased to equal the AWW.

Section 4 of this bill would amend §34A and require the insurer to pay the injured employee two-thirds of his AWW before the injury, but not more or less than the maximum or minimum weekly compensation rate if the injury is considered permanent and total. If the AWW were found to be less than the minimum weekly compensation rate, it would then be increased to equal the AWW.

**SENATE BILL 1099****Filed By:** Senator John A. Hart, Jr. and Rep. Martin J. Walsh**Type of Bill:** Similar**Endorsed by Advisory Council:** YES (2003-2004: "in concept")**Laws Affected:** Private Right of Action to Recover WC Coverage Payments (c.152, §25C)

Senate Bill 1099 (similar to H.2205) would allow a minimum of 10 people to bring a civil action against an employer to recover amounts which should have been paid in securing proper workers' compensation insurance as mandated by Chapter 152. Such a person seeking civil action could petition either the Attorney General's Office or a superior court to hold a "probable cause hearing." At the hearing, it shall be *prima facie* evidence that such probable cause exists if it is shown that:

- an employee was paid any portion of wages in cash with no deductions or taxes withheld;
- no accompanying pay slip showing the wage payment and deductions as required by law;
- an individual was misclassified as an independent contractor when actually an employee;
- wages were not timely paid;
- the employer failed to withhold from the employee's wages all related state taxes; or
- employees have not been properly reported on certified payroll records as required by law.

On suits brought forth by private citizens, the majority of the damages would be deposited into the DIA's Special Fund to pay for the agency's operating expenses. Insurance carriers would be able to recover the full amount of the award in situations where they obtain court approval to replace the private citizens in the lawsuit.

**SENATE BILL 1100****Filed By:** Senator John A. Hart, Jr.**Type of Bill:** Refile**Endorsed by Advisory Council:** No**Laws Affected:** Definition of Average Weekly Wage (c.152, §1(1)), Eliminate Consideration of Last Best Offer in Awarding Attorney's Fees (§13A(4))

Section 1 of this refiled bill (formerly S.51) addresses injured employees who return to work (without a lump sum settlement) and receive wages that are less than the pre-injury wages. This bill would apply the prior average weekly wage to any subsequent period of incapacity, whether or not such incapacity was the result of a new injury, or subsequent injury as set forth in §35B.

Section 2 of this bill would eliminate consideration of the last best offer in awarding attorney's fees when the insurer files for discontinuance of benefits or refuses initial payment. Currently, the claimant's attorney is only entitled to payment if the administrative judge accepts the offer of the claimant or the amount submitted by the conciliator.

**SENATE BILL 1103****Filed By:** Senator John A. Hart, Jr. and Rep. Martin J. Walsh**Type of Bill:** Similar**Endorsed by Advisory Council:** No**Laws Affected:** Comprehensive Bill (c.152, §13, §30, §35, §48)

Section 1 of this bill would amend §13 of Chapter 152 by replacing the Division of Health Care Finance and Policy with the Rate Setting Commission under the provision of chapter six A and allowing them to establish the rate of payment for health care services. This bill would ensure that no insurer be liable for any cost in excess of the rate set by the rate setting commission nor shall any employee be liable for services compensable under this chapter.

Section 2 creates a new section 30. The bill would eliminate authorization for preferred provider arrangements (PPA's), as well as all language pertaining to utilization review guidelines.

Section 3 would amend §35 by eliminating the requirement that partial disability benefits cannot exceed 75% of what the injured employee would receive if they were eligible for total incapacity benefits under §34. This section also deletes the limits on duration for employees eligible for partial incapacity benefits (§35).

Section 4 of this bill would require the insurer to notify an employer, with an experience modified policy, of any lump sum agreement. Currently, insurance companies are not required to notify the employer of lump sum activity.

**SENATE BILL 1106****Filed By:** Senator Brian P. Lees**Type of Bill:** Similar**Endorsed by Advisory Council:** No**Laws Affected:** Def. of Employee (c.152, §1(4)), Elective Coverage - Sole Executive Officers

This refiled bill (formerly S.60) would amend the definition of an employee by making coverage elective for the sole executive officer of a corporation and employees who are immediate family members that are sole executive officers of that corporation. Language contained in this bill states that this exemption cannot apply to more than two employees or to corporations engaged in high-risk work activity such as construction, trucking, or the building trades.

During the 2001-2002 Legislative Session, a bill was passed that made coverage elective for an officer or director of a corporation that owned at least 25% of the issued and outstanding stock. Senate Bill 1106 would delete this provision.

**SENATE BILL 1107****Filed By:** Senator Brian P. Lees**Type of Bill:** Refile**Endorsed by Advisory Council:** No**Laws Affected:** Employer Fines Reduction (c.152, §25C), Preferential Hiring (§75A), Employee Definition - Elective Coverage of Corporate Officers (§1(4))

Section 1 of this refiled bill (formerly S.61) would amend §25C(2) regarding fines for failing to secure workers' compensation insurance. It would add provisions allowing the DIA Commissioner to reduce employer fines to an amount no lower than \$250 following a hearing in which there is a finding that:

- (a) the fine would have a severe negative impact on the cash flow or financial stability of the business;
- (b) weekends and holidays interrupted the employer's ability to secure coverage in a more timely fashion;
- (c) the business was unable to secure voluntary coverage, thus delaying their application to the Massachusetts Workers' Compensation Assigned Risk Pool for coverage; or
- (d) the amount of annual premium for worker's compensation coverage is less than the amount of fines imposed by the DIA under the stop work order.

Section 2 of the bill, would amend §75A, which requires employers to give preference in hiring to injured employees applying for re-employment. This bill would relieve the rehiring requirement if the injured employee has been employed by another employer for more than six months since the date of injury.

Section 3 of the bill would amend §1(4). It would make the coverage of corporate officers elective.

**SENATE BILL 1109****Filed By:** Senator Brian P. Lees**Type of Bill:** Refile**Endorsed by Advisory Council:** No**Laws Affected:** Employee Leasing Companies - Exclusive Remedy (c.152, §15)

This refiled bill (formerly S.72 and S.88) would clarify that an injured worker is barred from filing a third party lawsuit against an Employee Leasing Company or its client company if both are in compliance with Chapter 152. Currently, under §15, injured employees may sue third parties if a compensable injury was "caused under circumstances creating a legal liability in some person other than the insured to pay damages." A recent Superior Court Case held that a client company was not protected by the exclusive remedy provision from a leased employee who brought a suit against them [*Margolis v. Charles Precourt & Sons, Inc.* - 6/7/99].

The Commissioner of Insurance has already established regulations that require Employee Leasing Companies to insure its employees leased to other entities [211 CMR 111.00].

**SENATE BILL 1111****Filed By:** Senator Thomas M. McGee**Type of Bill:** Refile**Endorsed by Advisory Council:** No**Laws Affected:** Comprehensive Bill (c.152, §1, §6, §7, §8, §13A, §28, §29, §30, §31, §33, §34, §34A, §34B, §35, §35D, §35E, §36, §50)

This refiled bill (formerly S.76) seeks to amend many aspects of Chapter 152.

Section 1 of this bill would amend the definition of "Average Weekly Wage" by specifying that if an injured employee is employed by more than one *employer*, the total earnings from the several *employers* should be considered in determining average weekly wage. Currently, the law is more specific in stating that if the injured employee is employed by more than *one insured employer or self-insurer* rather than "employer" as proposed by this legislation. Section 1 of this bill also states that weeks in which an employee received less than *four hours* in wages is considered lost time for determining average weekly wage. Currently, the law considers lost time as weeks when an employee receives *less than five dollars in wages*.

Section 2 of this bill would amend §1(7A) regarding the definition of "Personal Injury" in dealing with mental or emotional disabilities. Currently, "Personal Injuries" include mental or emotional disabilities only where the *predominant contributing cause* of such disability is an event or series of events occurring within any employment. This bill would replace "the predominant contributing cause" with "a significant contributing cause."

Section 3 of this bill would substantially increase the fines for employers who violate the provisions of §6 with regard to the reporting of the notice of injury to the DIA, the employee, or insurer. Currently, if an employer violates this provision three or more times they are required to pay a fine of \$100 for each violation. This bill would eliminate the necessity that a violation occurs three or more times before a penalty is issued. Fines would be issued as follows: \$100 for first violation; Subsequent violations within a year are increased \$100 for each subsequent violation; If employer fails to make notice to the DIA, employee, and insurer, it must pay additional penalty to the DIA of \$1,000 into the Special Fund and \$1,000 to the employee; If employer fails to make notice to the DIA, employee, and insurer, within 90 days, an additional



penalty of \$10,000 will be assessed.

Section 4 would amend §7(2) by increasing the penalty placed on insurers who fail to begin payment of weekly benefits or notify parties of refusal to pay benefits within 14 days of receipt of the employer's First Report of Injury. This bill would require the insurer to pay the employee an amount of \$200 or their compensation rate (whichever is higher). If the insurer still fails to begin payments or make such notification within 60 days, they must pay a penalty of \$1,000 to both the Special Fund and to the employee.

Section 5 and 6 of this bill would amend §8 by decreasing the "pay without prejudice" period to 90 days. Currently, when an insurer pays a claim, it may do so without accepting liability for a period of 180 days. This pay without prejudice period establishes a window where the insurer may refuse a claim and stop payments at its will. Up to 180 days, the insurer can unilaterally terminate or modify any claim as long as it specifies the grounds and factual basis for so doing. The purpose of the pay without prejudice period is to encourage the insurer to begin payments to the employee instead of outright denying the claim.

Section 7 of this bill would allow the pay without prejudice period to be extended upon agreement by the parties in 90-day increments not to exceed one year. Currently, pay without prejudice extensions are not required to be set at 90-day increments.

Section 8 of this bill would amend §13A(5). This section assesses an insurer a penalty of \$3,500 (plus necessary expenses) whenever an insurer files a complaint or contests a claim for benefits and then later accepts the claim or withdraws the complaint within 5 days. This section of the proposed legislation would increase the number to 10 days.

Section 9 of this bill would amend §28, paragraph 1, which addresses injuries caused by serious and willful misconduct of the employer. This section of the proposed legislation would further define "willful misconduct" as a "knowing and willful violation of the Federal and/or State O.S.H.A. standards." Currently, if an employee is injured by serious and willful misconduct by the employer, they will receive double compensation for their injuries.

Section 10 of this bill would amend §29 dealing with the required period of incapacitation. Current law states that no compensation pursuant to §34 and §35 shall be paid for any injury which does not incapacitate the employee from earning full wages for a period of 5 or more calendar days. If incapacity extends for a period of 21 days or more, compensation is paid from the date of the onset of the incapacity. This bill would decrease this 21-day period to *5 days or more*.

Section 11 of this bill would amend §30, which requires the insurer to furnish medical and hospital services, and medicines if needed. Except for the first appointment, the injured worker may select a treating physician and may switch to another such professional *once*. This bill would allow the injured worker the option of switching physicians *twice*.

Section 12 would amend §31 covering death benefits for dependants. Current law provides the widow or widower, that remains unmarried, 2/3 of the average weekly wage (AWW), but not more than the state's AWW or less than \$110 per week. They shall also receive \$6 per week for each child (this is not to exceed \$150 in additional compensation) of the deceased employee. This bill would increase the minimum amount a widower is entitled, to \$200 per week and \$12 more a week for each child of the deceased employee.

Section 13 would amend §33 regarding burial expenses for deceased employees. Currently, the insurer is required to pay reasonable expenses of burial, not exceeding \$4,000. This bill would increase the amount the insurer is required to pay for burial expenses to not exceed \$6,000.

Section 14 would increase the weekly compensation for total incapacity (§34) benefits. Compensation would increase from the current 60% to 2/3 of their average weekly wage. Durations would increase from the current 156 weeks to 208 weeks.

Section 15 would amend §34A pertaining to permanent and total incapacity. When the incapacity for work resulting from the injury is both permanent and total, an insurer is required to pay an injured employee a weekly compensation equal to 2/3 of their average weekly wage before injury, but not more than the maximum weekly compensation rate nor less than the minimum compensation rate. Current law requires that this payment be made "following payment of compensation in §34 and §35." This section of H.2854 would delete this requirement.

Sections 16 and 17 would amend §34B pertaining to supplemental benefits for §31 or §34A. This bill would expand supplemental benefits to include both §34 and §35.

Section 18 would amend §35 pertaining to partial incapacity benefits, by raising the wage benefits for injured workers to 2/3 AWW of the difference between their AWW before the injury and the weekly wage they are capable of earning after the injury, *but not more than the maximum weekly compensation rate*. Currently, under §35, compensation is 60% of the difference between the employee's AWW before the injury and the weekly wage earning capacity after the injury. This amount cannot exceed 75% of temporary benefits under §34 if they were to receive those benefits.

Section 19 would amend the durations allowed for §35 benefits. Currently, the maximum benefit period for partial disability is 260 weeks, but may be extended to 520 weeks. This bill would increase the maximum benefit period to 442 weeks and could be extended at "the discretion of an administrative judge."

Section 20 would amend §35A, which provides additional compensation to injured workers who have dependents. Currently, §35A provides additional compensation of \$6 per/week to injured workers who have persons dependent upon them for injuries occurring under §34, §34A, and §35. No weekly payments under this section can be greater than \$150 per week when combined with the compensation due under §34, §34A, and §35. This section of Senate 76 would provide injured workers additional compensation of \$12 per/week to injured workers who had persons dependent upon them. This bill would also cap weekly payments at \$250 when combined with the compensation due under §34, §34A, and §35.

Section 21 of this bill would amend §35D(5) and require that implementation of this section be subject to §8. Employment would be defined as a job that the employee is physically and mentally capable of performing, as long as it relates to the employee's work experience, education, or training either before or after the injury.

Section 22 of this bill would amend §35E. It would require that any person receiving old age benefits pursuant to federal social security law or receiving pension benefits paid by an employer should not be entitled to benefits under §35. This is unless the employee can establish that they would have remained active in the labor market.

Section 23 of this bill would amend §36(k). It would require that for bodily disfigurement,

compensation will not exceed \$20,000 and will be payable in addition to other sums outlined in this legislation.

Section 24 of this bill would amend §50. Payments required by order that are not made within 60 days of being claimed by employee, dependent or other party would accrue interest at a rate of 12% per year. If sums include weekly payments, then interest will accrue on each unpaid weekly payment.

**SENATE BILL 1123**

**Filed By:** Senator Steven A. Tolman

**Type of Bill:** Refile

**Endorsed by Advisory Council:** No

**Laws Affected:** Benefits for State Social Workers Resulting from Acts of Violence (c.30, §58)

This refiled bill (formerly S.123) would compensate state employees who receive bodily injuries resulting from acts of violence by children in their custody or parents of said children. If eligible for workers' compensation benefits, these injured state employees would receive the difference between the weekly cash benefits entitled under Chapter 152 and their regular salary. The affected employee's absence would not be charged against their available sick leave credits. Current law allows this benefit to state employees who receive bodily injuries resulting from acts of violence from patients or prisoners only.